

CONSIDERATIONS

For regulating the

EXCHEQUER,

In the more timely answering, better husbanding, and more orderly and safe conduct of the Revenues of the Crown into his Majesties Coffers, as hath been heretofore used by Sheriffes.

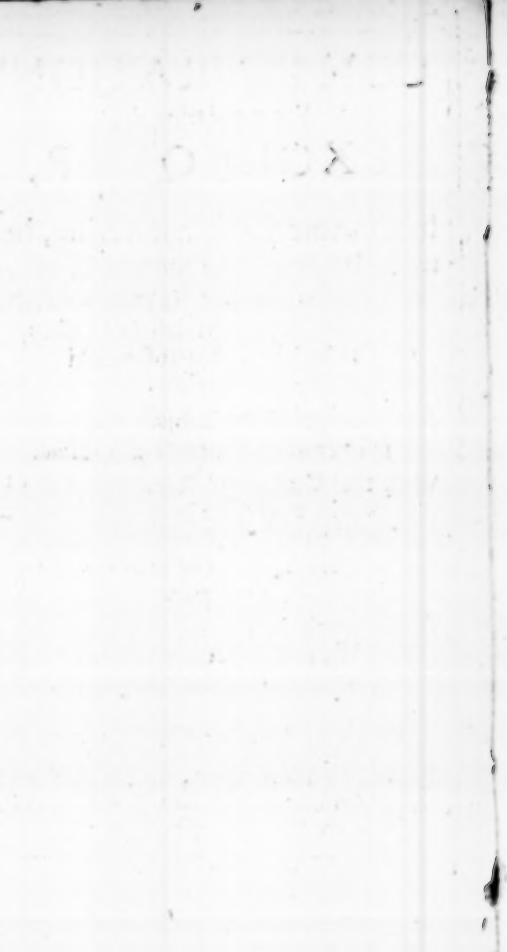
And for freeing the Subject from all unjust vexations concerning the same.

With the Causes and Remedies of the inconveniences which have been occasioned by the breach of the Lawes, and ancient course of the
Exchequer.

As also for the better enabling and easing of Sheriffes in the execution of their Offices, and passing their Accompts.

Per C. Vernon, de Scaccario Dom. Regis.

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TO THE RIGHT
HONOVABLE, SIR
IOHN CVLPEPPER,

Knight, Chancellor and Under-
Treasurer of his Matie *Exchequer*,
one of his Maties most honorable
Privie Councell, and one of the
Knights of the Shire for the
County of Kent this
Parliament.

May it please your Honour,



*Have here adventured
by the truest Copies I
could meet withall, to
doe my best in these
times of wished refor-
mation, to represent
and set forth the portraiture of the Ex-
chequer, as it was in its first institution
and best perfection, so neere to the life as I
could, sitting so farre off; To the end it*
A 2 *might,*

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might, by a right understanding thereof, be restored to its ancient forme and proper working. In the description whereof (as it was in its said first institution and perfection,) the great wisdom and providence of our Ancestors will appeare principally in these three points: First, that no one Officer was to bee trusted alone in the receiving, charging, discharging, or issuing forth of the Kings Revenues: In that the Annuall or Great Roll of the Exchequer (being the Lord Treasurers Roll) and of so great esteeme in all ages, as that it hath been the Center and Repository whereinto all the Revenues of the Crowne, as well in the Exchequer, as from all other Courts, were and still are to be reduced, was not intrusted with the Lord Treasurer alone, but the Chancellor of the Exchequer, by his Substitute or Deputy, is designed and appointed to write and keepe a double or counterpart thereof for controulment sake.

The second point wherein their great wisdom and care appeared, was, In that, as no Rent or Debt was to be charged in the said Annuall or Great Roll, upon any the Kings Subjells, but by good and just matter of Record, so the same (being once charged) was not to be discharged againe, or to
bee

Dedicatory.

bee set and posted of de anno in annum, or otherwise prolonged, but by like matter of Record, lest the same might thereby grow desperate, or become a grievance to his Majesties subiects.

And the third and last point was, In that for avoyding of all superfluous and un-necessary charge to the Crowne and subiect, by having over-many hands in the Kings Purse, they did provide and fore-see that the Exchequer should not be charged with more persons then was necessary: And to that end that the Sheriffs of every Shire and County should bee the constant Minister for leavying and bringing in the Rents and Debts belonging to the Crowne.

Which Rules, if they had been observed, and continued in the Exchequer, according to their said first institution, many great losses and inconveniences which have bene occasioned both to the King and Subiect, by the breach and discontinuance thereof, might have been prevented, as in the ensuing Treatise will appeare.

The causes which moved me, at this time, (contrary to my my owne will and approbation, as knowing my owne insufficiencie) to publish this Treatise so unworthy of such
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The Epistle

and so great a subject as this is, were principally these which follow, namely :

First, that such unperfected Copies upon this subject, as had at any time come to severall hands under my name, might be rectified and put into some method of coherence conducing to the worke intended.

A second cause was, to give satisfaction to some of my neere friends, who by their importunities (over-hastily before I could well deliberate thereof) thrust mee forward to doe it, as conceiving I might give some light and furtherance thereby to the great worke intended for the establishing and ordering of his Majesties Revenue, and the cutting off and taking away the superfluity of expences and abuses of Officers concerning the same.

And in the last place, I was the rather induced to give way thereunto, in regard I speake nothing of my selfe, but what I have authority for, either by good matter of Record, or from the Lawes and Statutes of this Kingdome.

That which now remaines on my part to be desired, is, That your Honour being at this present (in the vacancie of a Lord Treasurer) the chiefeſt Officer of the Exchequer; and one in whom his Majesty
(upon

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(upon contemplation of your owne worth,
hath reposed so great a trust and superintenden-
dencie over his Revenues) will be pleased so
farre to patronize these poore. Indeavour
of mine, (howsoever performed with great
weaknesse and want of judgement) as (upon
reading over the whole, and weighing the
severall Authorities, Prooves, and Reasons,
which are therein cited and set downe for
warrant and confirmation thereof,) they
may (for the matter) bee found worthy of
your acceptation. And as there is a fitnessse
of Dedication from me in this kinde, due to
your Honour, in respect of your high place
and authority in the Exchequer, so more
particularly for your Noble favours alrea-
dy shewed to mee and mine, whereby I am
obliged, and must ever acknowledge my
selfe to be

Your Honours most humble
and devoted servant,

Christopher Vernon.

Although the Printer used great diligence in the review and examination of his proves before hee committed the same to passe the Presse, yet because he was not wel acquainted with my hand, nor with the Exchequer termes, some mistakes happened one time when I was absent, In regard whereof the understanding Reader for his better satisfaction of those mistakes and omissions, is desired that hee will first cast his eye over the Errata in the end of this Booke.



Considerations

FOR

Regulating the Exchequer &c.



THE Court of Exchequer is one of those foure Courts at *Westminster*, which, in the common opinion, had their beginning by the fundamentall lawes of this Realme, time beyond the memory of man. And for the due answering and managing of the *Revenues* of the Crown both certaine and casual : The said Court hath been supported with great and ancient priviledges and high authority by and under the survey, rule and government of a Lord *Treasurer*, *Chancellor*, *Under-Treasurer*, *Chamberlaines*,
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 Kings Bench.
 Common Pless,
 Exchequer.

Considerations for

laines, and *Barons* of the said Court. And that the said Court now is, and hath been anciently distinguished and knowne by the *Superior* or *Vpper*, and the *Inferior* or *Lower* Exchequer. The Superior being also knowne by the Title of *Scaccarium Comptorum*: And the lower by the Title of the *Receit*, where the Kings moneyes are paid to certaine Tellers, and Tallies stricken for the same, for discharge of such *Farmers*, *Debtors*, *Accountants*, &c. which pay in the same.

The principall Officers of trust in the said superior Exchequer (under the said head Officers) are the *Kings* and *Lord Treasurers Remembrancers*, the *Clerke of the Pipe*, or Ingrosser of the *Great Roll*, and the *Controller* of the Pipe, with a competent number of *Auditors* for preparing and casting up all accounts. The said *Controller of the Pipe* being to write a duplicate, or double of the said great Roll, to remain in his custody, for the better safeguard and controlment of the revenues of the Crowne; and twice every yeare, to make forth proces from the said great Roll, to all *Sheriffes* for levying the

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the Rents, Farmes, and Debts in every Shire, City, and Towne Corporate; which proces was anciently called by the name of the *Summons of the Exchequer*, being of the force and nature of a *fieri facias*, for levying of the Kings rents & debts upon the goods & chattels of the Farmers and Debtors therein specified. Howbeit about the beginning of the Reigne of King *Edward 3.* when the casuall revenue, called the *Greenwax*, was so much encreased, that the Controller of the Pipe could not well undergo the burthen of the whole worke: There was a new Officer (intituled the *Clerke of the Estreats*) introduced to write the summons for the said *Greenwax*, onely in assistance of the said Controller: and one other Officer called the *Forraigne Apposer*, for opposing of Sheriffes upon the said Summons of *Greenwax*, who is, forthwith after every such apposall, to send the whole charge wherewith every Sheriffe chargeth himselfe of the said *Greenwax*, in every title into the *Pipe*, there to be added to the other charge of each Sheriffe upon his account in the great Roll, together with so much of

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every title as is to be charged upon the Lords and Bailiffes of Liberties; and that which is nichelled is to be written in proces a new from the Pipe, saving that the nichelled issues are by the *Clerke of the Nichells* sent to the Treasurers Remembrancer, who according to the Statute of 27. E. 1. makes forth writs of *Scire facias*, out of his Office to all such Sheriffes who returned those parties at issues to shew cause why they should not satisfie the same Issues to the King, by reason of the insufficiency of the said parties so by them returned at Issues: since which time of the introducing of the said *Clerke of the Estreats* to write the summons of the Greenwax, the summons written by the Controller of the Pipe, and the Clerke of the Estreats have been distinguished by the names of the *Summons of the Pipe*, and *Summons of the Greenwax*.

As concerning the said casuall Revenue called the *Greenwax*, it consisteth of such *Fines, Issues, Amerciaments, Recognizances*, for appearances and other forfeitures as are yearly set, lost, and forfeited before the *Justices of the Kings*

Kings Bench, Common Pleas, Barons of the Exchequer, Justices of Assize, Gaol-delivery, Justices of Peace, Commissioners of Sewers, Clerke of the Market, and the like ; which (by the Lawes of this Kingdome) are to bee Estreat yearly, and sent into the Exchequer, from all the said Courts and places to the Lord Treasurers Remembrancers Office, and from thence (after an entry made of the numbers of every scedule, &c.) to bee forthwith delivered together with those of the Exchequer (as well in that Office as in the Offices of the Kings Remembrancer and the Clerke of the Pleas) to the said Clerke of the Estreats for execution to be done thereupon in such manner as is formerly set downe. And as for all Rents, Farmes, Custodies, Extents, and other Debts and Duties belonging to the Crowne, as well the Remainders of the Farmes of the Counties, the Farmes of Serjeancies, and Asserts, the Farmes of Cities, Burroughes, and Townes corporate, and all other Farmes and Rents, whatsoever whereof there is answer made yearly in the Exchequer, and all debts determined, and grosse Debts a-

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rising from the Offices of the Remem-
brancers, whereof there is hope that
somewhat shall be paid, and all debts
and *Supers* depending in any accounts
within the survey of the said Court of
Exchequer. These are by the new Sta-
tute of the Exchequer, called the *Sta-
tute of Rutland*, An. 10. E. 1. to be writ-
ten in the *Annua*l or *Great Roll* of the
Pipe, and proces to bee first made from
thence to the Sheriffes by the *Summons
of the Pipe* for leavying thereof to the
Kings use accordingly.

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And the reasons why the *Summons of
the Pipe* (not extending to the body or
lands of any debtor, but onely to their
Goods and Chattels) and why the
Summons of the Green Wax (not ex-
tending either to body or lands, or to
the infringing or entring into any li-
berty) is to be the first proces, is this:
For that by the statute of *Magna Char-
ta*, it is provided that no Sheriffe or
Bailiffe shall seize any lands for the
Kings debts, so long as the present
Goods and Chattels of the debtor doe
suffise, and the debtor himselfe bee rea-
dy to satisfie the same. And that the
Pledges of the debtor shall not bee di-
strained

strained as long as the principall debtor is sufficient. And for that also if a stronger processe should bee first made to the Sheriffe of *non omittas propter aliquam libertatem*, &c. For leavying of the Greene Wax, the Lords of liberties should thereby bee barred and put by their Franchises and claimes, which would bee against common right.

But they are much deceived that take the Summons of the Pipe to be no more then (as it were) a *Scire facias*, or *Summons* to the Farmer or debtor to pay his rent or debt, or that it is but *tardum remedium*, or of slow execution to bring in the Kings Rents and Duties: for though it is (in truth) but a Summons, yet it is a Summons (not to the debtor) but to the Sheriffe, and such a Summons as transcends all other commands in any of the Kings Writs, for injoyning them to the performance of what is thereby required.

The Writ is as followeth:

Carolus Dei gratia, &c. Vic. B. salutem, vide sicut tempus & omnia tua diligis

Considerations for

*giu quod sis coram Thesaur. & Baronum
de Scaccario apud Westmonasterium in
Crastino clausi Pasche prox. futur. Et
habeas ibi tunc quicquid nobis debes de no-
vis & veteribus firmis & omnia debita
subscript. & hanc summon. de Pipa. Te-
ste A. B. Thesaur. Anglia apud West-
monasterium duodecimo die Februarii,
Anno, &c.*

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As if the King should say,
Mr. Sheriffe, as you love your selfe, your
wife and children, and all that you
have, see that you bee upon such a day
at Westminster, before our Treasurer
and Barons, and bring with you all our
Farms and rents then due, and all other
the debts under-written, and this
Summons.

And if there were no more in it but
this (it being of so great antiquity be-
yond the memory of man) as makes it of
sufficient force by the Common lawes
of this Kingdome to bee obeyed: yet
this is not all; for this Writ is strongly
backed by an Act of Parliament in
Anno 51, H. 3. called the *Statute of the
Exchequer*, whereby it is ordained, that
all *Sheriffs, Farmers, Bailiffs, of Franchi-
ses*, and others shall come to the
proffers

Regulating the Exchequer, &c.

proffers of the Exchequer the Munday after the *mas* of Easter, and the Munday after the Feast of S. Michael to pay the Farmes, Rents and Issues belonging to the King, and shall bring at the foresaid Termes, the Farms Rents & Issues due, wholly into the *Exchequer*: And if they make default, their bodies shall remain without departing from thence, untill they have paid or made agreement; and he that wil not come at the Termes aforesaid, shall bee amerced after the custome of the *Exchequer*, and the Sheriffes and Bailiffes at the same Termes shall bring and pay such moneyes as they have received of the *Summons* of the *Exchequer*, and other the Kings debts; and shall bee prepared to make full account of the things aforesaid, to the Treasurer and Barons of the *Exchequer*. And this is in all points agreeable to the *Summons of the Pipe*, directed to the Sheriffes twice in the yeare, for bringing the Farms, Rents & Debts belonging to the King, at the times in the said Statute mentioned; and hath been in use ever since the making of the said statute, and is so continued at this day (though not rightly put in execution.

The

The first Summons now sent forth every yeare to the Sheriffes being under the *Teste* of 12. Feb. which is the last day of Hillary Tearme, returnable in *Craft. claus. pasche prox. futur.* (being the Easter proffer) stiled in the said Statute to be the Munday after the *mas* of Easter; and the other Summons bearing alway the *Teste* of the last day of every Trinity Tearme returnable in *Craft. Mich.* (if it be not Sunday) which before is mentioned to be the Munday after the feast of Sain *Michael.*

After the Sheriffes have so made their appearances at their Easter and Michaelmas proffers (as aforesaid) and brought in and paid at his Majesties receit so much at each proffer, as was then come, or lawfully might have come to their hands, or in default thereof have bene amerced or committed to ward, every Sheriffe is to appeare in person at his day of prefixion in the Exchequer before the Treasurer and Barons of the said Court, or (if he be hindred by sicknesse) before some Commissioners thereunto authorised by the Court, to make his finall account
of.

of all the issues and profits of his office due to the King for his yeare, and then is to take his oath as followeth, *viz.*

That he shall yeeld to his Majesty a true and lawfull account of the issues and profits of his said office of Sheriff-wicke, and make true answer to the *Summons* of the *Pype* and *Greenmax*, and in the same account to charge himselfe with all such summes of money as he, his Vnder-Sheriffe, Bayliffs or Ministers for him have levied, or lawfully might have levied to his Majesties use by the *Summons* aforesaid: And of all *Fellones* goods, *outlawed* mens goods, *attainted* mens goods, *wayfes*, *estrayes*, and other profits whatsoever which have come to the hands of his Vnder-Sheriffe, Bayliffes or Ministers by reason of his said office: And that he shall not in the same account vouch any franchises or liberties, nor make any petition, nor aske any allowance or discharge, but such as shall bee good and true, and likewise to deliver a book written in parchment, declaring of whom and where he receiveth the *viccondells*, and other the Rents and Farmes written unto him in the *Summons*

mons of the Pipe, and well and truly to behave himselfe in yeelding the same account, as a true accountant ought to doe without any omission or concealment.

And every Sheriffe which shall not so appeare at his said day of prefixion before the Treasurer and Barons, and take his oath, or procure such commission for taking thereof at the same time as aforesaid, shall forfeit to the King 5. pounds for every day after his said day of prefixion, that he shall so faile to appeare and take his said oath as aforesaid; and after the taking of the said oath every Sheriffe is to attend upon the Court, and to be apposed before the said Treasurer and Barons in open Court upon the said Summons of the *Pipe*, and shall according to his said oath charge himselfe with all such Farmes, Rents, and other debts written unto him by the said Summons of the *Pipe*, as he hath or lawfully might have levyed. And to such Farmes, Rents and Debts as he chargeth himselfe withall, *tot or om* (*scilicet oneraturnisi*) is to be marked against their names and Summons, by the Clarke of the
Pipe,

Pipe, and controller respectively in the said great Rolle, and *Counter Rolle*, and to be entred, and cast up in his charge in the said great Rolle by the first *Secondary* of the *Pipe*, together with the whole charge of his forraigne Account and Greenwax, as is before observed, and the said Sheriffe to pay and answer to the King all and every part thereof which shall remaine due upon the foot of his account, and not by him formerly paid, and answered at his said proffers, except onely there shall be some good cause of discharge by matter of Record, or order to bee made in open Court for any of those wherewith hee so charged himselfe with ~~or~~ as aforesaid: And to such as he shall averre to be illeivable or to bee dead, or within any liberty so as hee could not levy the same by his said Summons *Nickell diem clausit extrem.* or such, or such a liberty, are to be in like manner marked against their names and summes; and those that are so returned with *Nichil* or *diem clausit extrem.* to be forthwith to be put into *Cedula pipe*, and sent to the Lord Treasurers Remembrancers Office, so as

stronger

Clarke of the Exchequer is to make the one the Summons, and the other the Record upon their appeal on the Greenwax.

Considerations for

stronger Proces to the next Sheriffe may be made from thence against their bodies, lands and goods for levying thereof to his Majesties use, or Commissions to be made from thence to faithfull and circumspect men of every County for making inquiry into the same, according to former Statutes in that behalfe provided: And if upon returne of the said Commissions it shall appeare to the Court that any of the said parties by whom any such debts are owing, are nothing worth, and that their debts are desperate, they are (according to the foresaid new Statute of the *Exchequer* called the Statute of *Rutland*) in case of Sheriffes to be removed out of the said *Annual* or great *Rolle*, into an *exannual Rolle*, and not to be written any more in Proces to the Sheriffes, but to be onely yearly read upon their accounts to see which of them may be revived, and such as are like to be so revived and made good to bee reinserted into the said *Annual Rolle* for new Proces to be made thereupon as the case shall require; and if upon returne of the said Commissions it shall appeare that the

the Sheriffe (or any for him) hath received any of the said Farms or debts, and concealed the same upon his account, the said Sheriffe is according to the said Statute of *Westmin. Anno 3. E. 1 cap. 19.* Stat de Westm. An. 3. E. 1 cap. 19. to make answer thereof to the King, and to pay to the party grieved thrice so much as he received, and to make fine at the Kings pleasure.

And the like Commissions are to be awarded into every County after the determination of every account in the *Exchequer* by *Sheriffes, Escheators, Ambegours, Customers, Controllers, &c.* Stat. anno 6. H. 4. c. 3. other the Kings Officers, and accountants concealing and receiving to their owne use that which rightfully appertaineth to the King, for inquiry to be made thereof: And in case the said Accountants, upon returne of the said Commissions be found guilty of any such frauds and deceits, they shall incur treble the same to the King, and their bodies to prison, untill they have made fine & ransome to the King after the discretion of the Judges.

And as concerning the severall summes of money wherewith the Sheriffes shall so charge themselves upon

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upon their accounts in the said *Annual Rolle*, they are not to depart the Court (without speciall licence of the Treasurer and Barons, untill they have fully paid and satisfied the same, or procured a discharge or *Exon. de Anno* for the same, upon good matter of Record, or order in open Court: And upon the final determination of their said Accounts, the said Sherifffes whole charge and discharge is to be read and cast up in open Court, before the *Treasurer & Barons* of the said Court, in the presence of the *Treasurers Remembrancer, Clerk of the Pipe, Controller, & other Officers* whom it shall or may concern; and two *Auditors* at the least for casting up the said accounts: And what every of the said Sherifffes shall be found in debet upon his said account (all his Tallies, Allowances, and just Petitions deducted) the said Sherifff is forthwith to pay to the King before hee bee dismissed out of Court, or to be committed to ward untill he pay the same.

And if any Sberifff after his said Apposals, and charging himselfe with the paticular summes aforesaid, shall depart the Court (without speciall licence aforesaid

foresaid) before he hath fully perfected his said Accompt, and is so delivered out of Court, as aforesaid, his goods & lands are to be seized into the Kings hands *nomine districtionis*, and the King to take the issues and benefit thereof, without any part to goe in deduction of his debt, or a *Serjeant at Armes* to be sent for such delinquent Sheriff, who (if hee bee no priviledged person) is to be brought up and committed to Ward until he shall fully perfect his accompt, and pay or discharge what is justly due thereupon, as is aforesaid.

In like manner, all *Lords and Bailiffes of Liberties, Maiors, &c.* are to appeare at the said proffers at Easter and Michaelmas, and at the times by the Court prefixed to perfect and finish their Accounts for all such moneyes as they stand charged withall; and to pay what is due to the Crowne over and besides their just allowances, and what they can by their claimes, or for default thereof, their bodies to remaine without departing, and their liberties to bee seized into the Kings hands.

And as concerning such summes of
C money

Lords of
Liberties,
Maiors,
Bailiffes,
&c.

money as by the *Awards* of the Court shall be put into *Cedula Pipe* for stronger proces to bee made by the Treasurers Remembrancer in regard of a *dim. claus. extrem.* or the like, the said Treasurers Remembrancer is forthwith at the next *Liberate* or *Sealing* day, to make forth the strongest proces to the Sherifffes (as the case shall require) for leavying thereof; wherein by the long writ (*called the Prerogative Writ*) the Sheriff hath power to enquire (if the debtor bee dead) to whose hands his goods and Chattels are come, and to put the same in safe custody for the King (who is to be first satisfied;) and if he had any lands, what lands he had at the time he so first came indebted, or at any time after, and to whose hands the same are come, and to make seisure thereof. And if the debtor be living, to leavy the debt upon his or their goods or lands; or for default thereof (*Magnat. Dominis & dominabus exceptis*) to attach his or their body, with such other strong Clauses for leavying thereof, as can bee devised. And the Tearme following, the Sherifffes are to be apposed upon all these Writs which were so sent

The long Writ called the Prerogative Writ, out of the Treasurers Remembrancers Office, under the Teste of the chiefe Baron.

sent forth for debts in *Cedula Pipe*, before the Barons of the *Exchequer* in the *Exchequer Chamber*; and if the Barons can finde or learne that the Sherifffes have used any negligence or connivence in executing their said Writs, they do usually amerce the said Sherifffs according to their defaults, and sometimes set a paine on their heads, unlesse they pay or shew good cause of discharge or do better service by a certaine day: In all which causes the said amerciaments so set or incurred, are forthwith to be sent downe into the Pipe for proces to be made thereupon accordingly.

And the said Treasurers Remembrancer doth in like manner recover such amerciaments as are so imposed by the Court, and such relieves as are belonging to the King after the death of any person dying seised by whom such relieves are due, and such sums of money as any Sherifff shall charge himself withall by way of *feri feci*, and the like; as also all such extents and certificates of the goods, and two parts of the lands of *Recusants* as are found by Inquisitions, all which the said Treasurers

surers Remembrancer doth in like manner send downe into the *Pipe* to be put in charge in the said great Rolle, and prepares the *originalls* sent into his Office from the Chancery, and therein markes *Ingrossat.* against all such Rents as are reserved upon any grants in Fee Farme, or upon any other Farms or custodies for tearme of life, or years, or for so long time as the same shall continue in the Kings hands, for the said Clarke of the Pipe to draw downe from thence yearly to be put in charge in the said great Rolle, after the title of *Nova oblata.* And the said Treasurers Remembrancer out of his Office makes forth *Writts of Distringas* to all Sheriffes against the Kings tenants for preserving of his Majesties tenures and services, and the Issues thereupon returned by the said Sheriffes in every Shire, certifieth to the Clarke of the *Exchequer* twice in the yeare to bee by him sent forth to the Sheriffes in the Summons of the Greenwax: And for the fines due to the King for respiting the homage of his tenants, the said Treasurers Remembrancer chargeth himselfe with all those fines which are drawne

Writers of
Distrin-
gss.

drawne into the Pipe, and by him answered unto the receiv, as also for all the Castle ward rents in severall Counties payable to the Castle of *Dover*, *Stat. anno 32. H.8.* And the Kings Majesties Remembrancer in his Office recordeth all fines and other debts sent into his Office out of any other Court, and recovereth all such *Recognizances*, *Amerciaments*, *fi. fac.* of *Sheriffes* moyties of *forfeitures* about *custome* causes or upon *penall Lawes*, and the like, and sendeth the Records thereof into the Pipe, and also of such Bonds and Obligations as are forfeited and recovered for the King, to be from thence drawn downe and charged for his Majesties service in the said great Rolle: And also maketh forth the writs of *Distingas* against all Accomptants, whose names are to be entred upon the *States* of Accomptants in his Office, as well the Master of the horse, the keeper of the Warderob, Treasurer of the Chamber, Treasurer at Warres, Treasurer of the Navy, collectors of Subsidies and Customs, and all receivers of the Kings Revenues, and other Accomptants whatsoever, who are to make their

accounts in the *Exchequer*, and against such as have had any money *imprest* to them for the Kings special service, and the like, & to see Issues returned against them untill they shall perfect their said accounts before the severall Auditors thereunto assigned, and enter the same upon the Rolle of the States of Accomptant in his Office, and before the Treasurers Remembrancer upon the Rolle of *Views* in his Office, from whence the said accounts after they are declared before the Treasurers and Barons of the *Exchequer*, and so entred as aforesaid, are also to be sent into the Pipe, there to remaine as the Kings and Subjects evidence upon record for ever; as also to the end Proces may bee made from thence for such *supers* and *debts* as are therein depending. And all such Issues as are lost by any of the said Accomptants for their not accompting in due time, and by the Sheriffes returned upon the said Writs of *Distingas* sent from the said Office of the Kings Remembrancer, are in like manner twice in the yeare to be estreated to the said Clarke of the Estreates, to be by him sent forth in the Summons of

of the Greenewax accordingly. In his Office also is kept the red Booke of the *Exchequer*, being an excellent Treatise of the ancient Rolles and Lawes of the *Exchequer*, conceived to be collected by *Gervasius Tilburienfis*, *tempore H.2.* which book is commonly sent by the Curfiter Baron into the Kings Bench and Common Pleas, or in the Terme time to remove any matter sued there against any Officer, Minister or servitor of theirs, or any Accomptant there that prayeth his priviledge in due time, upon which red booke so shewed, and the party testified by the Baron to be of that Court as aforesaid, his priviledge is usually allowed. And both the said Remembrancers doe make forth copies to the Auditors of all Seisures made by Sheriffes for any debts, or by reason of any *Alienations*, *Outlawries*, or other duties to the King, upon the writs sent out of their Offices, to be by the said Auditors respectively charged in the said Sheriffes forraine accompts. In which their said forraine accompts the said Auditors which take these accompts are to enter the particulars wherewith every

Sheriffe chargeth himselfe for the goods and chattells of *fellones outlawed* and attainted persons, *waifes, estraies* and the like according to the ancient course of the *Exchequer*.

And for that there may be some just cause of discharge of the Sheriffe and debtor by an absolute *exo.* or of the Sheriffe for his yeare by an *exo. de anno* of some part of the Seisures and Issues charged in his said forraine accompt, or of some other part of the debts or farmes charged upon him in the said great Roll of the *Pipe*, or of some part of the Greenwax moncies charged upon him by the said forraine Apposer as aforesaid; as for instance: There may be some just cause for discharge of the Sheriffe and debtor by an absolute *exo.* upon his accompt of some seisure, debt or duty charged upon the said Sheriffe as aforesaid, in regard there was a preconveiance of the land by the debtor *bona fide* before the debt grew due to the King, or that the debt or duty for which the said seisure was made is fully satisfied and answered to the Crown; or for that the like debt or duty it selfe is absolutely to bee dis-

discharged by plea & judgement, gift or grant from the Crowne or by some other good matter of record: And as there may be just cause for an absolute *exo.* to the Sheriffe and debtor, so there may be as just cause for an *exo. de anno* to the Sheriffe upon his accompt of some of the seifures and debts charged upon him as aforesaid, either in regard the lands in seifure are in the Kings hands by reason of the *minority* of the heire or owner of the said lands, or for that the said lands were made in *Jointure* or in *Lease* for terme of yeares or life before the debt grew due, or the like, in all which severall cases the *Lord Treasurers Remembrancer* upon sight of such good matter of record, or other such just cause allowed of by the Court as aforesaid, is (upon the desire and petition of the Sheriffe to bee discharged thereof upon his accompt) to rule severall petitions to every Sheriffe upon his or their said accompts respectively for an absolute *exo.* or an *exo. de anno* for the same as the case shall require, which is to be by him alledged and set downe to every petition accordingly; howbeit the said

Trea-

Treasurers Remembrancer is not to rule any such petition for an absolute *exon.* or *exon. de anno* to any Sheriffe of or for any Seifure, Farme, Debt, or other summe of money whatsoever, but of such onely as shall fully appeare to him, either by the Sheriffes forraine accompt it selfe, or by some Constat or Certificate in parchment under the hands of the Clerke of the Pipe, or Clerke of the Eltreats respectively, to be part of the Sheriffes charge so charged upon him in his accompt in the said great Roll; for that if such petition should be allowed to the Sheriffe of any summe, being no part of his charge, the King should lose and bee defrauded of so much thereby.

Moreover the said Lord Treasurers Remembrancer doth upon Certificate from the Iustices of Assize (ratified and allowed under the hand of the Vnder-treasurer of the *Exchequer* for the time being) rule petitions for allowance to Sheriffes upon their accompts for carriage or removing of prisoners, reparations of Gaols and other extraordinary services done by Sheriffes in the time of their Sheriffwicke: All which
peti-

petitions are by the said Treasurers Remembrancer to bee entred upon Record in his Office, and to be sent to the Clerk of the Pipe (for the time being) to bee entred and allowed upon each Sheriffes accompt respectively in the said Annuall or great Roll of the Pipe, in deduction of so much of each Sheriffes charge, so as one Record may bee discharged by another, according to the ancient course of the *Exchequer*.

And here (by the way) is to bee noted, that the said Clerke of the Pipe is not, nor ought not, to discharge or set off from any Sheriffe, any Farme, debt, or other summe of money whatsoever charged upon him in his accompt in the said great Roll, but such onely as shall appeare to bee paid into his Majestis Receipt of the *Exchequer*, by Tallies to bee joyned and allowed in the said Roll, or such as shall appeare to be discharged or set off by such matter of Record as is laid downe in the Sheriffes severall petitions, as aforesaid; nor to give any allowances to Sheriffes upon their said accompts, but such as shall either bee warranted by Tallies

Statut. an-
no 1 R. 2.
cap. 5.

Tallies, *de Regard*, to bee levied in his Majesties said Receipt of *Exchequer*, or by some judgement of Court entred or to bee entred in one of the Remembrancers Offices: And if hee doe otherwise, the *Controller* of the Pipe, either before or at the Sheriffs casting out of Court, is to informe the Court thereof, so as the said undue discharges and misallowances may bee certified and made void. And if the said Controller, either through ignorance or connivence, shall not discharge the trust reposed in him therein, hee shall bee punished for his consent in like manner as hee that admitted of such false allowances, &c. and as he that tooke allowance thereof: namely, to pay so much to the King, as the allowance amounted unto: To bee imprisoned a yeare and forty dayes, and to bee punished at the Kings pleasure.

Stat. 2^o
Scaccario
Anno 51.
H 3.

But hereunto may be objected, that if the Clerk of the Pipe be to give no allowance to Sheriffs upō their accounts, but of such moneyes onely for which Tallies are stricken in his Majesties Receipt, and of such summes as are to bee allowed, set off, or discharged by judgement

ment of Court, or such matter of Record as is aforesaid: How comes it then to passe that allowance hath been given to Shiriffes upon their accompts in the said *great Roll* from time to time, by acquittances of Noble men for their *Creation moneyes* payable by Sheriffes out of the profits of their Counties, and the like; and by acquittances of such Receivers to whom the King hath granted the receipt of the yearly profits, arising of any certain or casuall Revenue within the Sheriffes charge. To which is answered, That the allowances given by the acquittances of Noble men and others, for such summes of mony as are payable to them by Sheriffes out of the profits of their Counties (being to their owne use) are alwayes warranted by judgement of Court, before any such allowance is to be given: And as to the allowance of Acquittances for moneyes of the natures aforesaid, paid or to bee paid by Sheriffes to Receivers as aforesaid to the Kings use, such Acquittances are not (in truth) to bee allowed by the course of the *Exchequer*, but by Tallies of assignment to be first stricken in the
Receipt

Much ea-
sier to
counter-
feit Ac-
quittances,
then Tal-
lies.

Receipt for the same, in such sort as is used at this day for his Majesties Wardrobe and Household, and for the post-fines, Issues of Jurors, and the like, there being no such controlment for Acquittances, as is for Tallies, and it being much more easie to counterfeit *Acquittances* then Tallies; albeit even Tallies have been counterfeited to the losse and prejudice of the Crowne, which could not bee discovered before they were rejoyned with their foyles, according to the ancient course of the *Exchequer*. Besides, the Subject which really payes his mony to a Receiver to the Kings use, & takes his Acquittance for it, runnes a greater hazard to pay the same money againe in case such acquittance be lost, and that the Receiver doe not satisfie the same upon his Accompt, which hazard is avoided by striking a Tally for the same in his Majesties Receipt, which is alwayes extant upon Record for the parties discharge, in case the Tally it selfe bee lost.

And as it is to be noted, that the Clerk of the Pipe is not to discharge or set off any part of the Sheriffes charge, but by

by Tallies to be leavied in his Majesties Receipt of *Exchequer*, judgement of Court, or such matter of Record, as is before mentioned; so it may bee likewise observed, that the Treasurers Remembrancer is not to rule any petition upon the Sherifes Accompts for debt, recognizance, or other duty belonging to his Majesty, wherewith the Sherifes have charged themselves upon their accompts, but by matter of Record, or order in open Court, and not upon any other warrant whatsoever, which is not grounded upon such matter of Record, or order in open Court, as aforesaid. For if way should be given to the Sheriff, to set off or discharge himselfe upon his accompt of the farmes, debts, or summes of money by him taken into his charge at his appo-
fall, upon ordinary suggestions that hee could not leavie the same, or by reason of the poverty of the debtor, or in favour of the subject to ease him from the rigor and penalty which the Law hath inflicted upon him for some offence, (which is onely in the Kings power to mitigate or remit) or upon any other ground then by matter of Record, or
order

Inter or-
din. term.
Hilar. an.
32. Eliz.
Reg. ex
parte Rem.
Thesaur.

order in open Court, as aforesaid, then it would follow, that the greatest part of the Sheriffes totts and summes of money by him taken in charge at his appofals, would be set off and discharged, and so his appofals would bee of no force or vertue, which by the ancient course of the Court, bindes him to answer the same to the King, unlesse some just cause be shewed to the contrary, as afore is said: seeing he might (at his choyce) have totted or nichelled the same at his said appofals; and then also would follow, that the King should be divested of the grace which properly belongs to himselfe for mitigating and remitting of such forfeitures and penalties to his subjects as the case shall require, which the late Queen *Elizabeth* (of famous memory) for the most part kept in her owne power for gratifying her loving subjects withall, by a generall pardon of grace at every Parliament.

Thus much may suffice to have spoken of the superiour or upper Court of *Exchequer*, touching the ancient course of passing Accompts by Sheriffes and other Accomptants.

In the next place, before I passe from the superiour *Exchequer* called *Scaccaria Computorum*, to the lower called the *Receipt*: It will not be amisse to take a short view of the Officers there, and in whole gift their Offices are.

And first for the Lord *Treasurer* and *Chancellor*, their places are as ancient as the *Exchequer*, and in the Kings gift.

The *Vnder-Treasurer* or *Vice-Treasurer* was not knowne till the time of King *Hen.7.* at which time the Lord Treasurers Remembrancer was made *Vice-Treasurer*, and whether of the Kings nomination or the Treasurers, is not knowne. Sir *Iohn Baker* being nominated Vice-Treasurer in the time of *Hen.8.* had a patent from the King of the said Office, under the great Seal, which is still in the Kings gift.

The chiefe *Baron* and three other learned Barons, and the *Puny* or *Cursitor* Baron are all in the Kings gift.

The said *Cursitor Baron* being so called because he is choten most usually out of some of the best experienced Clerkes of the two Remembrancers, or

D

Clerk

Clerke of the Pipes Office, and is to informe the Bench and the Kings learned Counsell from time to time, both in Court and out of Court, what the course of the *Exchequer* is for the preservation of the same, and of the prerogative and benefit which his Majesty hath thereby which the course of the Court most commonly maintaineth and respecteth.

The *two Chamberlaines* had in old time great Authority in the *Exchequer*, and have kept the keyes of the treasury Coffers, and were ever privy to the pells of *Introitus & exitus*, of the which each of them are to keep a controlement at this day, and anciently no money was issued out of the receipt without their privy, their names being still continued in all privy Seales for payment of money out of the receipt, though it is now delivered without them. Their place in Court is next to the Barons, and they may sit & keep their places daily in Court if they like to attend and hearken to the causes there without any intermedling therein But at the election of the Sheriffs *Craftino animarum* they use to be present,

sent, and may say their opinion for preferment or stay of men to be Sheriffs, as the Barons and Iustices do. Their places were anciently of inheritance, but now are in the Kings gift.

The *Kings Majesties Attorney and Solicitor generall* have beene alwaies reckoned amongst the Officers of the *Exchequer*, though they have audience and come within the barre in all other Courts, their places being in the Kings gift.

The *Kings Remembrancers* Office hath alwayes since the first erection been in the Kings gift.

The *Treasurers Remembrancers* Office implies by the title that it hath beene in the Lord Treasurers gift, but for a long time it hath been and now is in the Kings gift.

The Office of *the Clarke of the Pipe*, or ingrosser of the great Rol, was anciently in the Lord Treasurers gift till about the time of *Ed. 3.* since which time it hath beene and now is in the Kings gift.

The Office of the *Controller* of the Pipe is at this day and alwayes hath

beene in the gift of the Chancellor of the *Exchequer*, the said Controller being anciently stiled *Clericus Cancellar.* and the Clerke of the Pipe *Clericus Thess.* and *Cancellarius* was and is still written upon the Controllers Roll & *Thess.* anciently upon the great Roll, to distinguish between them: And for that reason, some have beene of opinion that the Chancellor sits above the Lord Treasurer in the *Exchequer* Court, because of his superintendency and controlement over his Roll.

The office of the *Remembrancer* of the first fruits and tenthes in the Kings gift.

The *Surveior generall* of his Majesties lands, &c. in the Kings gift.

The *Clerke of the Pleas* in the Chancellors gift.

The *forraine Apposer* and *Clerke of the Estrcats* in the Lord Treasurers gift.

The *two Auditors* of the imprests, in the Kings gift.

The *seven Auditors* of the Revenew, who have in charge before them the Revenew annexed to the *Exchequer* upon the dissolution of the Augmentation
tion

tion Court, *anno* 1. *Maria Reg.* and before whom the receivers generall make their accompts according to their severall assignments by their letters patents under the great Seale from the King. The other businesses which belongs to their places as they are *Auditors*, or Clerkes in the *Exchequer* for taking the accompts of *Sheriffes*, *Escheators*, *Customers*, *Contrallors*, *Collectors of Subsidies*, the *Cofferers Accompt*, and the like, they have them by assignment from the *Marshall* of the *Exchequer* from time to time in open Court, and so entred in his booke, to the intent no accomptant should take an Auditor of his owne choice. Their places are in the Kings gift.

The *Auditor* and *Reccivor* generall of the *Dutchy of Cornwall* are in the Kings gift in the vacancy of a *Duke of Cornwall*.

The *Reccivers* generall of the Kings Revenews, &c. being about two and twenty in number, in the Kings gift.

The *surveior* of the *Greenewax*, in the Kings gift; this Office was erected in the time of King *James*, upon the ad-

vice of the Lord *Treasurer*, *Chancellor*, *Under-Treasurer*, and *Barons* of the *Exchequer*, and the Kings learned Councell, as appears by a Table set up in the *Exchequer*, setting forth what the said Officer is to doe in his place.

The two *Deputy Chamberlaines*, being *Joyners* of the *Tallies*, in the two *Chamberlaines* gift.

The *Marshall* of the Court, now in the Kings gift.

The two *Parcell-markers* being so called, because they were ordained in the time of R. 2. to make the parcels of all *Escheators* accompts, and were wont to receive out of the *Treasurers Remembrancers Office*, by a note under their hands, all the *Transcripts* of *Offices* sent thither yearly out of the *Chancery*, which were found by any *Escheators*; and out of those they were to collect into a particular *Roll*, the parcels wherewith every *Escheator* was to be charged by the *Auditor* upon his accompt; but the *Escheators* were in the time of Queen *Elizabeth*, discharged from making accompts for any new *Escheats*, the same being put in charge in the Court of *Wards*, so

as there is little or no use of their Offices at this day, but for the old Escheats remaining in the Escheators accompts, whereof little or nothing is answered to the Crowne by them: howbeit they anciently made their accompts at large in the *Exchequer*, which are extant at this day in the Pipe, and are still called upon the Scroll of accomptants, and ought to strike a Tally for their proffers every yeare, which of late time hath been neglected.

The *Clerk of the Nichils* is in the Chancellors gift.

The *Sealer* of the Court is the Chancellors gift.

The *Chiefe Vsher of the Exchequer*, is hee that by inheritance hath the keeping of the *Exchequer Court*, the *Exchequer Chamber*, and the house, with all the appurtenances, where the Court useth to dine when they sit about the Kings businesse; hee maketh provision for all the necessities both of the *Exchequer*, and of the Receipt, and hath allowance thereof at every *Liberate*: and seeth to all places of the Court, that all Doores, Chests, Records and things be in safety from fire, water, or

other spoile, &c. and hath the oversight of the rest of the *Vñers*, and the six ordinary *Messengers* of the Court, that they make a true delivery, to the *Sheriffes*, and all others of the Kings *Proces*, &c.

The two *Praisers* of the Court concerning uncustomed goods, in the *Vñder Treasurers* gift.

The foure ordinary *Vñers* of the Court, in the said chiefe *Vñers* gift.

The six ordinary *Messengers* which carry the proces of the Court to *Sheriffes*, &c. in the said chiefe *Vñers* gift.

Thus much for the names of the said Offices, in the said *Superior Exchequer*, and in whose gift they are. But as to the particular duties which are incident to every of the said offices, and to those of the Receipt, or what particular Records every of them hath in his custody, and of what nature and antiquity they are, it is not my purpose to treat of in this place: for that would be a very great worke of it selfe; but onely of so much as shall fall in my way, concerning the managing and ordering of the Kings Revenues: howbeit

beit thus much I may say, that there are so many excellent Records in the Offices of the two *Remembrancers*, *Clerke of the Pipe*, and in the severall *Treasuries* both in the upper and lower *Exchequer*: As they may indeed bee called *Treasuries* where those Records are kept, they being the greatest Treasure of the Kingdome; insomuch as I have heard a great Lawyer say, That he never understood what Law was, till hee came up those staires. And to say the truth, there must needs bee more then ordinary matters, and great variety of them found in that Court, whither all the other *Courts* of the Kingdome, as rivers to the sea, in some kinde or other, have their resort.

The *Offices* in the inferior or lower *Exchequer*, commonly called the *Receipt*, are these which follow, *viz.*

The *four Tellors of the Receipt* (whose Offices are in the Kings gift) doe receive all the Kings moneyes which are paid into the *Receipt* by *Sheriffes*, *Customers*, *Farmers*, and other *Accomptants* and *Debtors* whatsoever, and doe write a Bill thereof in parchment, expressing therein the summe by them received,
and

and of whom, and for what ; which Bill they deliver (not to the party that payeth the money,) but put it downe through a Trunke made for that purpose, into the Chamberlaines Court for a Tally to be stricken for discharge of the party.

Clerke of
the Pell,

The *Clerke of the Pell* (whose Office is in the Lord Treasurers gift) keepeth the Pell in parchment, called *Pellis Receipte*, wherein every *Tellers* Bill with his name on it, is to be entred; and under every such Bill when it is entred, *Recordatur* to bee written in open Court, for a Controlment to charge the *Teller* with so much money as in the said Bill is set downe.

He also, anciently kept another Pell, called *Pellis Exitus*, wherein every dayes issuing of any the moneyes paid into the *Receipte*, was to be entred, and by whom, and by what Warrant, privy Scale or Bill it was paid.

Auditor
of the Re-
ceipt.

The *Auditor of the Receipte* (whose Office is in the Lord Treasurers gift) taketh up every *Tellers* parchment Bill, after it is marked *Recordatur* by the *Clerke of the Pell*, and entred by the *Controllers* of the Pell, (who were anciently

tiently also to make entry thereof in a *Counter Pell*) and fileth it upon a File; and then his Clerk that is called *Scriptor Talliar. & Contratall.* writeth double upon every *Tally* the whole letter of the Tellers Bill, that when the *Tally* is cloven both the foile and the stocke thereof, may have like letter upon them.

The said Auditor doth also enter all the said parchment Bills in a Booke which is to him as *Pellus Recepte*; and by those hee doth see what every *Tellor* receiveth weekly, and of whom, and maketh certificate thereof to the *Lord Treasurer, &c.* as hee is commanded, how all the money of the Receipt particularly is paid and received: and to that end, maketh to every of the Tellors a *Debentur* before any of them can pay any money out of the Receipt, be it upon Fees, privy Seales, or any Warrants whatsoever.

He likewise keepeth the *Lord Treasurers Key* of the *Treasury*, where the ancient *Leagues* of the Realme, the *Perambulations* of the *Forrests*, the Records of *Iussiciar. Itiner.* and divers other ancient Records of the *Kings Bench*

Bench and Common Pleas doe lye both in the old Court of *Wards*, and in the old *Parliament House* in the Cloister at *Westminster*, where no search can be made without the said key come with both the Chamberlains keyes thereof, where also the *blacke Booke* of the *Recept*, de necessariis *Scacca. observanciis*, agreeing in that point with the *red Booke* in the Kings Remembrancers Office, is kept.

Two Under-chamberlaines.

The two *Under-Chamberlaines* bee both the Chamberlaines Deputies for the *Recept*, and their places in the said *Chamberlaines* gift, the tallies so written upon (as before) are delivered to them, and the one of them holding the Tally, and the other the Cleaver and Mallet cleaveth the Tally in the midst, and then one of them taking the stock and the other the foile, and the *Clerke* of the *Pell*, and his *Controllers*, their bookes, wherein the said tellers Billes are recorded, the Cleaver saith, *exams.* and readeth the stocke aloud, and his fellow, the *Clerke* of the *Pell*, and his two controllers seeing the stocke to agree with themall, the said stocke is delivered to the party that paid the money

money for his discharge, and the foile cast into the Chamberlaines chest where they keep all their foiles together with their knives and the book of Doomsday, &c. untill the joyners fetch away the said foiles which they keepe in their Office in the upper *Exchequer* to bee rejoyned and examined with the stocke delivered to the party for his discharge, which is not to be allowed of upon Record in the *Pipe*, by the first *Secondary* there, untill the same be so rejoyned and delivered in Court to the said *Secondary* by the said joyners with their marke testifying that by their examination the same agreeth with the foile in their custody.

And in the said chest are also kept the *keyes* of the *Treasury* under three locks, whereof the Auditor of the *Receipt* hath one key belonging to the *Lord Treasurer*, the two under *Chamberlaines* another key, and the *Vsher* of the *Receipt* (whose place is in the Kings gift) another, who attendeth by himselfe or his Deputy, and is to doe all things there which other *Vshers* ought to doe and to keep the *Receipt*

as the Visier by Inheritance doth the upper *Exchequer*.

The said *under Chamberlaines* make all searches in the Treasury for any Records, at the suit of the parties, and copies and exemplifications of the same, whereof the Fees are divided betweene them and the keeper of the Lord Treasurers key.

The cutter
of the
Tallies.

The *cutter of the Tallies* is another Officer in the Receipt: of the Lord Treasurers gift, who provideth seasoned and proportionable hasells and cutteth them to fit lengths into foure-square sides, to the end they may the better be cloven and written upon, and casteth them into the Court from time to time as any of them be called for, and receiveth his dividend Fee (with the *Clerke of the Pell*, the *scriptor talliar*, and *Under Chamberlaines*) of the party that sueth it out.

The four
ordinary
messen-
gers of
the Re-
ceipt.

The *four ordinary Messengers* of the Receipt, (whose places are now in the Kings gift) are Pursuyvants attending upon the Lord Treasurer for carrying his letters and precepts to all the *Customers*, *Controllers* and *Shearchers* throughout the land, who are to ride
and

and goe upon any other his Majesties Messages, where it is his Lordships pleasure to command them.

Thus much in briefe concerning the *Inferior Court of the Exchequer*, called the *Receipt*.

I have been the more large in setting downe the particular grounds and Rules of the *Exchequer*, according to the common Lawes and Statutes of this Realme, and the ancient course of the said Court for the charging, discharging, bringing in and answering of the Revenues of the Crowne, both certaine and casuall: and that especially for these reasons following.

First, that the wisedome and providence of our Ancestors may appeare in providing for the indemnity of the King and his Subjects; wherein, principally, care is to bee taken, that (as nothing is to bee charged) so nothing to bee discharged but by matter of Record.

Secondly, that no one Officer is trusted alone with the bringing in, charging, discharging, receiving, or issuing out of the Kings Revenues, in so much as for the better and more orderly

Stat. de
Rutland.
Anno 10.
E. 1.

derly controlment and security thereof, all the said Revenues both certaine and casuall, are to bee reduced from their originall fountaines and heads, into the *Annuaill* or *Great Roll* of the *Exchequer*, being the old *Channell* or *Pipe* for conveying the same into the Kings *Receipt*. And from the said *Annuaill* or *Great Roll* (not onely for the reasons formerly alledged, but for controlment sake) proces is first to be written to the Sheriffes by the *Controller* of the *Pipe*, who yearly writes a duplicate of the said *Annuaill* or great *Roll*, for the better controlment thereof. And that this is, and ought to bee so, the constant course now observed and continued in the Offices of the *two Remembrancers* of the *Exchequer*, will make it unquestionable: for that neither from the *originals* of the *Chancery*, nor for any other debts or summes of money recovered for the King in either of their Offices, any proces is made to the Sheriffes by either of them, for leavying thereof, but the same are at this day, (as formerly hath been used) nist drawnedowne from thence, and charged in the said *Annuaill* or *great Roll*,
accor-

according to the ancient course of the said Court, and the said statute of Rutland, *Anno 10. Edw. 1.* And the like course hath been alwayes used and observed concerning the Accompts of *Collectors, Customers, Receivers of Bishops Temporalities*, and all other *Accomptants* whatsoever, within the survey of the *Exchequer*. For though they be declared by the *Auditors* before the *Treasurer, Chancellour* and *Barons*, or all or some of them; and entred in the Offices of both the Remembrancers, yet they are not thereby fully determined, before they come to the Pipe, where they are to remaine upon Record for ever, as the Kings and Subjects evidence; and where their *Tallies* being first examined, and joyned with their Foyles, are to bee allowed, and the *Debts* and *Supers* therein depending (if any such bee) entred in the said *great Roll*, so as proces may be written from thence for levying thereof, as before is observed.

And as there is no one Officer in the *Superior Exchequer* solely trusted, so it is most evident, that in the *inferior Courts* there is to bee a concurrence of many
B Officers

Officers in the trust : for the *Tellers* Bill is not delivered to the party which payes the money, nor trusted with any one Officer to charge the said *Teller* therewith ; but it is entred with the *Clerke of the Pell*, and with the *Controllers of the Pell*, and againe entred with the *Auditor of the Receipt* , who files the same: and the stocke of the Tally delivered to the party for his discharge; and yet this to be no discharge for him, till it be rejoyned with the other part, and allowed in the great Roil. All which caution (without doubt) hath been by the great wisdom and experience of our Ancestors, found necessary to be imposed and observed for preventing of the frauds and abuses which otherwise would ensue to the Crown; many falsities having been anciently discovered in Tallies for want of joyning, as *Hill. Record. Anno 3. E. 4. Rot. 10. ex parte Rem. Thes. cum multis aliis*, and both in the time of the late *Queene Elizabeth*, and *King James* of blessed memory : Many such falsities having been discovered in Tallies for want of joyning ; so as I may conclude this point with *Gervasius Tilburienfis*, That

no Officer is solely trusted with the Kings Revenues, no not the Treasurer himselfe: And the reason which hee gives for it, is, that besides the controlment of the great *Roll* (being the Treasurers Roll) by the Chancellors Roll, there was a third Roll to bee ordained, *Quia* (saith he) *triplex funis difficile solvitur.*

And thirdly and lastly, that it may appeare that the Sheriffes onely were the constant Officers and Ministers for leavying and bringing in the certaine Revenues and Debts of the Crowne. And that the ordinary proces of the *Exchequer* to Sheriffes for leavying and bringing in therof, was and is most sufficient and efficacious (as to the King) and most secure and safe (as to the subject) in case they shall conceale any thing upon their accompts which they shall so receive, as hath been formerly observed. And that there will bee no need of Resort to bee made for the employment of *Messengers*, or to make use of any such *Arbitrary* or *Illegall* courses so burdensome to his Majesties subjects, for bringing in any part thereof, if the same be written out to Sheriffes

The employment of messengers altogether illegall.

in due time, and the Sheriffes strictly holden to the answering there of, without posting and setting off *de Anno in Annum*, his Majesties good debts, and Farmes, but by just matter of Record, according to the ancient course of the *Exchequer*, and the Lawes and Statutes of this Realme.

And if the use of *Messengers*, or any other arbitrary course were allowable, it is probable that the nupriall Queens of this Realme, participating so much of the Regaliry of the Crowne, having a Court, a *Chancellor* and *Seale* of their owne, might make some use thereof for bringing in the Arterages of Rents, their *Annum Regina*, and other debts and duties belonging to them in their owne particular estates; but it is so far otherwise, that by the common Lawes of this Land, they have the same power for bringing in their said debts and duties as the King hath, as appears by a Writ directed to the Sheriffe of *Norfolke* and *Suffolke*, out of the *Exchequer* 24. *Maii*, Anno 14. *Edwardi primi*. The tenor of which Writ followeth.

Edward

Edwardus Dei gratia Anglie Rex, Dominus Hibernie, & Dux Aquitan. Vic. Norff. & Suff. salutem, Cum secundam antiquam consuetudinem approbatam, & hactenus opientam, Idem modus in debitis Reginarum levandis & reddendis, qui & in nostris servari debeat, ac debita nostra juxta eandem consuetudinem a debitor. nostris sunt levanda & nobis reddenda antequam quibuscunque Creditor eorundem de debitis suis satisfiat, Cumq; Willielmus de Huntingfield charissime matri nostre Alionore Regina Anglie in xxxij. l. teneatur prout nobis constat per insp. Rotulorum de Scaccario nostro, Idemq; Willielmus teneatur quam plur. in diversis pecuniarum summis prout tu retornasti coram Baron. in crastino clausi Pasche prox. preterit. volentes ipsam matrem nostram prerogativa predict. quoad debita sua levand. sicut alie Regina Anglie eadem in casu consil. sint gavise, tibi precipimus quod de bonis & catib. & de exit terrar. ipsius Willielmi in Balliva tua fieri facias predictas xxxij. l. antequam debita quorundam creditorum suorum leventur. Ita quod eas habeas ad idem Scaccarium nostrum apud Westmonasterium a die sancta Trinitate in xv. dies Waltero de

Castello custodi Auri ejusdem liberand. & hac breve Teste, &c. Per Rotul. memor. de anno 54. H. 3.

And that this course by Writs directed out of the *Exchequer* to Sheriffes, and no other, was used as well in those ancient times as in all the times sithence, even unto, and in the time of *Hen. 8.* for bringing in the debts and duties belonging to the nuptiall *Queenes* of England, appeares by divers like Writs and Records remaining in the *Exchequer*: And the reason why such a legall course and no other was allowed to the said *Queens*, for getting in their debts, I conceive was this, because the Subject might demurre or take Issue upon any such writ where there was just cause, which he could not doe in case a messenger or other demand out of the *Queens* Court had beene made for the same.

I have the rather vouched this precedent here concerning the manner of levying the *Queens* debts, in regard some of the Auditors of the Revenue having of late moved and pressed the Lords Commissioners of the Treasury at the

the Councell board for signing of warrants to messengers for bringing in divers *supers* and debts aswell within the *Queenes* joynture as parcell of the Kings Revenues, depending in the Accompts of generall Receivors, which a noble Lord at that board (being tender of all unjust vexations to his Majesties Subjects) withstanding, as conceiving the ordinary proces of the *Exchequer* to be most proper and sufficient for bringing in his Majesties debts, a direction was made to the Barons of the *Exchequer* to call unto them the Officers of the said Court and to certifie whether the imployment of messengers in those cases were legall, who certified their Lordships that their imployment in that kinde was not according to Law; and that by the ancient course of the *Exchequer*, and the Laws of this Kingdome, the Auditors ought to deliver the Accompts of the receivors and ministers of the Revenew in charge before them into the Pipe every yeare by the twentieth of March, so as proces might bee made from thence to the Sheriffes for levying of the *supers* and debts depending in those

Accompts; but I shall have occasion to speake somewhat more of this in the ensuing discourse concerning the great and superfluous charge and losse the Crowne hath beene put unto in bringing in those Revenewes, which was alwayes carefully avoided by the like wisdom of our Ancestors, it being provided by the foresaid Statute of the *Exchequer Anno 51. H. 3.* that the *Exchequer* be not charged with mo persons then is necessary. For as our Ancestors had one principall care in the constitution of the *Exchequer* to see that the Kings Farmes, Rents and other his sperate debts, and duties were duely answered and not prolonged or postponed from yeare to yeare, whereby they might either grow desperate, or become grievances to the subject by being charged upon the *debtors suerties* or the *purchasers* of their lands as hath beene formerly observed; so had they a like speciall care to see that all unnecessary and superfluous charge in bringing the said Revenewes into the Kings Coffers should be avoided, which rules if they had beene of late yeares observed in the

Ex-

The prolonging of the Kings good debts makes them desperate or grievances to the Subject.

Exchequer many great and unspeakable losses to the Crowne, and many unsufferable grievances to the Subject might have been prevented.

It is true that for some private ends, and other respects upon the great glut of Revenew which came to the Crowne in the time of *Hen. 8.* many new *Exchequers* and *Courts* of Revenew were created and erected by *Parliament* (besides the Court of the *Dutchy of Lancaster* erected in the time of *Hen. 4.*) As the Court of *Augmentations*, the Court of generall *Surveyors*, the Court of first *Fruits and Tenths*, the Court of *Wards & Liveries*. But it is well known what is become of most of those Courts, as namely the Court of *Augmentations*, *Generall Surveyors*, and first *Fruits and Tenths*, all of them being dissolved by Act of Parliament in anno *primo Maria Regine*, and turned into the old Channell, viz. annexed to the *Exchequer*, where (be the Kings Revenew two millions or more) it may be as well managed and brought in, as if it were but one; the reasons why the said Courts were then so dissolved being in those dayes notoriously knowne and
openly

openly declared, as namely, for that the *Revenues* in those *Courts*, were in a manner wholly wasted and devoured by the new and unnecessary *Officers* of those *Courts*; the *Court* of the *Dutchy of Lancaster*, and that of the *Wards and Liveries*, being also offered by the *Parliament* at the same time to be by the said *Queen Mary* in like manner dissolved by her letters patents and annexed to the *Exchequer* where all the benefit arising by *Wardships and Liveries* was before the erection of the said *Court*, *Anno 32. Hen. 8.* answered to the *Crowne*.

And howsoever the said *Court* of *Wards and Liveries* (as being at that time a profitable *Court* to the *Crown*) might in the same time of *Queen Mary* escape from being reannexed to the *Exchequer*; nevertheless it is not a little strange that the said *Dutchy Court of Lancaster* should both then and ever since be continued by it self, at so great a charge for so small a revenue, it having cost the *Crowne* since the said first yeare of *Queen Mary* neare upon two hundred thousand pounds, which might have been saved
if

if the same had been then annexed to the *Exchequer*, and there managed in such manner and sort as was then intended by the *Parliament*.

But it may seeme more strange when it shall be made to appeare that the generall and particular *Receivers*, *Bayliffes* and *Collectors* of the *Courts of Augmentations*, which by the true meaning of the *Parliament Anno 1. Maria* (when the said Court was annexed to the *Exchequer*) were intended to be discharged and put to their pensions, and the said Revenew to be from that time brought in and answered by the *Sheriffes* of each County according to the ancient course, have beene ever since continued in the *Exchequer* to the unsupportable burthen and charge to the Crown, and infinite grievance of the Subject, it having cost the Crowne since the dissolution of the said Court *Anno 1. Maria* (for the private ends and respects of some few) not so little as *six hundred thousand pounds*, which might have been saved if the *Revenews* of that Court had been managed in the *Exchequer* according to the said ancient course, and in such sort as was then
in-

intended by the said *Parliament*.

But besides all this to make good the old *maxime*, *Vno inconvenienti concessio mille sequuntur*, it will appeare that in all this time there hath beene no manner of controlement of the *Accompts* of the said *generall* and *particular Receivers*, *Bayliffes* and *Collectors* of the said *Revenues* amounting to 100000 pounds *per annum* and upwards, as namely, the *Receivers* have not beene sworne to their *Accompts* yearly, their tallies not joyned, their *accompts* not entered with the *two Remembrancers*, nor delivered into the *Pipe* as by an expresse Article *Anno 1. Maria* upon the annexation of the said Court of *Augmentations* to the *Exchequer* is ordained to be yearly performed by the twentieth of March, and so lately certified by the Barons of the *Exchequer* as is formerly alledged; the said *Accompts* having been ever since left to the determination and keeping of the said *Auditors* in their particular assignments without any manner of controlement, by meanes whereof there may be many great concealements in the said *accompts* which none of the
Kings

Inter
Hil Re-
cord. an.
1 Maria
ex parte
Rem.
Thess.
Articulo
9.

Kings Officers in the *Exchequer* can discover, but the *Auditor* himselfe.

And for the grievances which have been by the same meanes occasioned to his Majesties Subjects by reason of the multitude of *Supers* and *Arreages* of *Rents*, which from time to time ever since have depended in those *Accounts* upon the *Farmers*, *Bayliffes* and *Collectors* of the said *Revenues*: And upon the *Receivors* themselves, some for 5000 l. some 10000 l. some more, some lesse, both in the time of the late *Queen Elizabeth*, and the late *King James*: The infinite numbers of *estallments* and *seisures* of the lands of *Receivors* and their *sureties*, and of the lands which came from the said *Debtors* by purchase or discent, and orders of Court concerning the same in the time of the said *K. James* before the Stat. of 21 *Jac.* for discharging of old debts in his now Ma^{ties} time, together with the loud outcries against *messen-gers* lately imployed at the prosecution of some patentees for old debts, for bringing in the like *arreages* of *Rents* behind, which depended in some of those accounts, some for 10, some 20, some

some thirty yeare before they were sent in proces, will sufficiently testifie.

And as if the continuation of the foresaid *Receivers*, and other needlesse and unprofitable *Officers* and *Accomptants*, had not beene burdensome enough to the Crowne, there have been of late introduced & added two new *Receivers*, and two new *Auditors* for the *Revenue* of *Recusants*, with sundry directions procured for transferring the charge of the said *Revenues* from the great Roll of the *Exchequer* to the said new *Auditors*, and for superseding of all proces to *Sheriffes*, other then for such debts owing by *Recusants*, as their Messengers cannot levie; as also for the payment of so much thereof, as the said *Sheriffes* should leavie to the hands of the said new *Receivers* respectively, which was formerly used to be paid into the Kings Receipt. How farre this bold attempt, together with the *Non-obstantes* in the Leases of *Recusants* lands, might have trenched as well to the subversion of the good lawes made against *Recusants*, as to the diversion and consumption of the said *Revenue*, (if this Parliament had not been so seasonably

sonably called by his Majesty) may well be imagined.

And if the removing and altering of the ancient bounds betweene neighbour and neighbour bee forbidden by the Law of God as a great offence and a cursed thing, by reason of the great trouble and unquietnesse which is caused thereby, how much more do they offend which remove and alter the ancient bounds which our forefathers have set betweene the King and his people, either in the constitution of the *Exchequer*, or in the *execution* of the Lawes and Statutes of this Kingdome appointed and limited for the government and ordering of the Kings Revenews there? In which case it were to bee wished that some severe Law might be made for the punishment of those which under any specious pretence whatsoever goe about to procure any warrant for the altering or removing any the bounds formerly limited or ordained for the answering and bringing in of the said Revenews, unlesse it be by *Act of Parliament*, seeing so great mischiefes and inconveniences both to the King and Subject ensue thereby.

And

And if it be true that *Sheriffes* have been (time beyond memory of man) the *Receivers* of all the certaine rents and debts whatsoever belonging to the Crown within the limits of their *Bailiwick* other then such as are to be immediately paid into his Majesties Receipt of *Excheq.* or into his *Chamber, Wardrob,* to the *cofferer* of his *household*, or the like, how absurd a thing is it for the *Sheriffe*, having received such rents & debts from the Kings *Tenants* or *debtors* to pay the same over to one of the Kings *Receivers*, for him to pay into the Kings *Receipt*, and not to pay the same immediately into the Kings Receipt with the other monies due upon his *Accompt*, or why the *Farmer* or *Collector* being to pay his rent or charge into the Kings Receipt should not rather pay the same to the *Sheriffe* then to a *Receiver* who must be paid for portage besides other allowances from the king. According to which supposition I conceive it would seeme a strange peece of husbandry to the Crowne, if the *Collectors* or *Farmers* of the *great Customs* and *Collectors* of the *Subsidies* in every County (who are to pay their

moneyes into the *Receipt*) should bee appointed to pay the same to some of the *Receivors*, and the same *Receivors* to pay it into the *Kings Receipt*; such kind of husbandry as this, is the employment of other *Receivors* besides the *Sheriffes* for receiving the certaine Rents and Debts of the Crowne at this day.

And for prooffe that the *Sheriffes* have alwaies beene the *Receivors* of the certaine Rents and Debts belonging to the Crowne, and other *Receivors* in the *Exchequer* avoided as unprofitable and needlesse, I shall not need to insit upon any other prooffe for this, then what I have herein formerly set downe, to make it unquestionable, but that one *Wris* of 16. *Hen. 6.* directed from the King to the *Treasurer* and *Barons* of the then *Exchequer*, which in effect was seconded by an *Act of Councell* in the time of Queen *Mary*.

The tenor of the said Writ anno
16. *Hen. 6.*

Henricus Dei gratia Rex, &c. Theſſ.
& Baron. de Seaccar. salutem. Cum mon-
F. stratum

stratum sit nobis qualiter dilectus noster Robertus Whittingham Chivaler hab. officium Receptoris generalis omnium terr. &c. que fuerunt Iohannis nuper Ducis Bedford. Avunc. nostri carissimi defuncti. & quod officium predict. non est ad summonium nostrum, quia vadia & feoda que ea de causa de nobis percepta sunt possunt bene fore omissa. Et quod Vicecomites nostri possunt bene levare Revenciones in manibus nostris existen. prout fuit ante hoc tempus. Ideo vobis mandamus quod dictum Robertum exoneretis ab officio predicto &c.

By which it appears that this one extraordinary Receiver in the time of King *Hen. 6.* was deemed a burthen and unnecessary charge to the Crown, and therefore according to the constant course of the *Exchequer*, thought fit to be discharged of his Receipts, and the same to be transferred to the Sheriffs, *prout fuit ante hoc tempus*, which was so done accordingly.

The like we shall finde in the third and fourth yeare of King *Philip* and Queene *Mary*, in a report made to their Majesties by the then Lords of the Coun-

Councell, upon some question (after the annexation of the Court of augmentations to the *Exchequer*) whether the *Sheriffes* or *Receivors* were the fittest Ministers for receiving the Rents and Revenues of the Crowne; and whether the Dutchy Court of *Lancaster* ought not to be annexed to the *Exchequer*, and all Manors to bee demised in grosse with their casualties at a certaine Rent, for cutting off all superfluity of expenses.

The Report is as followeth.

*S*umus in priori opinione, quod Vicecomes sit maxime idoneus qui recipiat annuos redditus vestrarum Majestatum infra limites suorum officiorum, & de illis respondeat vestris Majestatibus.

Et ad id quod dicitur Vicecomites male jam respondere de iis quæ eorum fidei committuntur putamus id eo fieri, vel quia officarii Scaccarii non urgeant neque insistent prout eorum officii est, vel quia ab iniustis male eliguntur: Et utriusque huic malo facillime succurritur si Vicecomites bene eligantur.

Et quod Vicecomites sint ad hanc rem

F 2 maxime

maxime idonei, movemur iis rationibus quæ sequuntur.

Vetera exempla huius regni cum optime & cum maximo honore regeatur ostendunt quod omnes annui redditus coram solvebantur per Vicecomites.

Nec putamus quod Vicecomites (prestitim si bene eligantur) erunt tam tardi in pecuniis solvendis computisque reddendis, quam Receptores & sunt & semper habent fuerunt.

Vicecomites (quorum officium annuum est) & annuatim computa reddunt, non possunt celare pecunias vestrarum Majestatum quemadmodum Receptores solent.

Receptores enim (quorum officium perpetuum est) debita prioris anni solvunt ex redditibus sequentis, qua fraus vitabitur si Vicecomites perficiantur huic Cure: ac etiam annue expense quæ nunc sunt pro multis officiariis cessabunt.

Vicecomites eliguntur de honestioribus, Equitibus, sive Generosis singulorum Comitatum: Receptores sunt plerumque homines nullius estimationis.

Vicecomites Eliguntur annuatim per vestras Majestates ex consensu Magnatum & Iudicum Regni: Receptores autem asseruntur per privatos favores amicorum.

Sumus etiam in priori opinione quod terra & possessiones Ducatus Lancastrie, possunt bene reduci ad Scaccarium: Et quod fieri potest salvis etiam omnibus Colonis sive tenentibus dicti Ducatus, suis libertatibus, privilegiis & consuetudinibus, quibus omnibus frui & gaudere possunt, Coloni & Tenentes predicti, non minus integre in Scaccario, quam nunc fruntur in Curia Ducatus, & ad hanc opinionem mouemur his rationibus.

Annue expense qua sunt pro multis Officiariis Ducatus cessabunt.

Terra & possessiones Ducatus Lancastrie, cum sint in multis & seperatis Comitatus possunt earum possessionum annui redditus per Com. illorum Vicecomites uno labore colligi simul cum aliis redditibus.

Cum Ducatus Lancastrie iam descendit ad Regiam unacum Corona, non videmus quare non debeant ejusdem Ducatus terra & possession. gubernari in Scaccario quemadmodum possessiones Principat. Wallia, Ducatus Cornub. Eberaci, & eorum consilium.

Nobis etiam non videtur prejudiciale sed valde utile vestris Majestatibus quod Maneria & cum illis omnia casualia locentur

ad firmam, reservatis Boscis, Wardis, maritagis, Miner. & Advocationibus Ecclesiarum.

Idem quoq; putamus de sylvis ceduis quos subboscos diximus, quos utile putamus ad firmam dimittere & noverimus ad hanc opinionem iis rationibus.

Si locentur Maneria atque omnium aliorum generum terra & possessiones cum casualibus & subboscu annui redditus vestrarum Majestatum erunt certi qui nunc incerti sunt.

Annui sumptus reparationem Senescallorum eorum qui Nemora custodiunt, & multorum aliorum officiar. cessabunt.

Mulci annui redditus, & multa servicia, quae nunc partim, dolo malo, partim, negligentia Senescallorum Balliorum & aliorum officiar. non exiguntur & ita paulatim pereunt: semper solventur cum firmariis & propter privatum lucrum suum, & propter obligationem qua tenebuntur diligentius illa curabunt.

Miseri Coloni, sive pauperiores tenentes quibus variis artibus extorquentur pecunia tamper officarios quam per eorum famulos, honestius tractabuntur si dicta Maneria cum casualibus & sylve cedue dentur ad Firmam honestis viris.

Lucra

Lucra etiam illa quæ ex casualibus & subboscu proveniunt, & nunc malis artibus extorquentur per Officiarios, venient directe ad usum vestrarum Majestatum, atque id sine nullo præjudicio pauperiorum Colonorum qui plus favoris semper inveniunt in vicinis firmario honesto quam in extraneis emptoribus, Baliis, vel silvarum custodibus.

Et præterea potest aliis modis satis provideri contra firmariorum avaritiam, contra Officiariorum vero infinitas fraudes aliter provideri non potest, idque longa experientia nimis cognitum est.

As by the said Report remaining in his Majesties Library at White-Hall, (amongst other things) may appeare.

Wherein it is most evident of what use and estimation Sheriffes (being but for a year) have alwayes been, for bringing in the Revenues of the Crowne; especially if they bee well chosen, and held to the performance of their duties by the Officers of *Exchequer*: with this further observation, How remisse the Receivors were in those dayes, and had ever been in paying what they received, and making their accompts in due

time. Besides, it is well knowne how many Receivers both in the time of the late Queene *Elizabeth*, and the late King *James*, as is before observed, have broken for very great summes of money, which were never paid at such a rate *per annum*, as the interest amounted unto: But it cannot be proved that ever any one Sheriffe broke in that kinde.

Moreover, by the said Report may be observed the faithfull advice given to the Queene, by the said Lords of her Councell, to demise all her Manors in Groſſe with the *Casualties* and *Woods*, and so to make her Rents certaine, and cut off the great charge of Stewards, Bailiffes, and other Officers: for that otherwise, *Contra Officiorum infinitas fraudes providendi non potest idque longa experientia nimis cognitu est*, as before is observed. On the other side, it may bee observed, whether the advice of those Officers who then advised the Queen to keep the *Royalties* and *Casualties* of her Manors in her own hands by appointing Stewards and Bailiffes of her own to manage the same, and onely to demise the *Demeanes* of every Manor at
the

the old Rent payably halfe yearly, was the best Counsell; we that have had the experience of those and our owne times, can best judge, as those Lords in their experience then found it, *viz.* that it had been much better for the Queen to have demised the Mannors in grosse with the casualties (as was by them prescribed) at a certaine Rent; For that upon severall *mediums* cast up by the *Auditors* of the profits of *Courts* and *Casualties*, and of the Fees of *Bayliffes*, and the Fees and Diets of *Stewards* for keeping of Courts, it hath appeared that the Fees and Dyets, of the said *Stewards* and *Bayliffes* have in all times sithence exceeded the casualties three thousand pounds *per annum* at least, besides the Fees of the *Receivors*, *Collectors* and *Auditors* (*causa exercitii*) and the riding charges.

And for that it also appeareth that the best and most valuable and choicest parts of every Mannor have been demised at the old Rent for three lives and for xxj. xxxj. and xl. years in reversion, booke after booke, inso-much as the Crowne hath beene by that meanes, in a manner forestalled from

The granting of the Kings lands in *Custody* by the Lord Treasurer with the proviso of *Si quis de re voluerit* &c.

The complaints of Sheriffs of their excessive charge & trouble in passing their Accounts.

from making any benefit thereof, as if the same had beene granted in Fee Farme. So as I shall be bold for the reasons aforesaid to conclude that the ancient course of demising the Mannors and Lands intirely with the casualties by the *Lord Treasurer* for the time being by way of *Custody* with the ordinary proviso of *si quis plus dare voluerit de incremento sine fraude vel malo ingenio*, reserving the best Rent with the other exceptions before mentioned, was and is the most prudent and safest course for the Crowne; for that then upon all occasions, either for provision for the royall Issue, or other urgent occasions, the King might have his lands at his owne disposall when he pleased.

But now at the close and upshot of all, the case being cleared that the *Sheriffe* is the onely *Officer* appointed by the Lawes of this Kingdome for bringing in and answering the Revenues of the Crowne, I cannot stoppe mine eares against the loud cries which *Sheriffes* make of the great and excessive charge and trouble which they are unjustly put unto in passing their

their *Accompts* in the *Exchequer*.

1. By reason they have beene inforced by the Officers of the *Exchequer* to take into their charge all the seizures upon their forraine *Accompts* (leavi-able or not leavi-able) and other dead *Farmes* and *desperate debts* which they cannot leavy.

2. To pay divers new exacted and extorted Fees and Rewards upon the passing of their *Accompts*.

3. To collect and leavy at their own charge the *Greenwax* moneyes and other his Majesties casual Revenues and Debts, granted in *Farme*, and given to divers Farmers and other Patentees who take the benefit thereof.

4. To accompt before the *parcell maker* of the *Exchequer* for such *fellons* goods and other like *Escheates* where-with they have beene and are charged by the *Auditors* upon their *forraine Accompts*, when there were or are any such.

5. And for that also divers *Hundreds*, *Wapontakes* and *Gaols*, parcell of their *Balymicks*, which by severall Acts of Parliament have been annexed to their Counties, have beene contrary to the
said

said Statutes granted away to sundry persons, and severed from their said Counties, so as they cannot have the Bayliffes at their command, and yet are still charged upon their Accompts with their said Bailiwicks under the title *de proficuis Com.* By reason whereof all men of quality have beene of late much discouraged to take the said Office upon them.

Which said complaints of theirs (being so just and true) may not be passed over in silence, but some fit remedies applied for their better encouragement according to the Lawes of this Kingdome: the said Office of Sheriffe being an Office of high trust and authority, both for the service of the King and Common-wealth; and the Sheriff being

The Sheriffe anciently stiled *Firmarius & custos* *Com.*

And first, as to the injury offered to Sheriffes, in charging them with all the seilures in their forraine Accompts, and with other dead Farmes and desperate debts which at their apposalls they averre to be illeivable; all Sheriffes ought to be relieved herein by the foresaid Statute of *Rutland An. 10. E. 1.* which provides that nothing shall bee written

written out to Sheriffes but such debts whereof there is some hope that something may bee leavied, and that all dead Farms and desperate debts, are to be removed from the *Annual* into the *exannual Roll*, and not to be written out in proces to Sheriffes, but only read to them at their Apposalls to see if any thing may bee revived : And that a Commission bee awarded out of the Treasurers Remembrancers Office to faithfull and circumspect men in every County (as is before prescribed) to inquire of the severall seifures charged upon Sheriffes in their forraine Accompts which they cannot leavy, to see if the same can be revived and made good ; and if upon returne of the said Commission any of the said seifures shall prove defective and illeivable, that then the said seifures to be removed and discharged out of the said forraine Accompt, and put into an *exannual Roll* as aforesaid, and the Sheriffe to be charged no more therewith untill the same shall be revived : And for the time to come Sheriffes to bee charged with no more then is written forth in proces to them, not with any *Debt*,
Farmes

Farms or summe of money which at their Appoals they shall averre to be illeivable: they being many wayes punishable by the Lawes formerly alledged if they shall violate their oathes therein.

2.3. And as to the wrong which Sheriffs have undergone by paying new exacted and extorted Fees, It is the desire of every honest man that those beasts of prey which have so unconscionably taken those new exacted Fees (who are in truth a great scandall to the whole Court and State) may be reformed or quite hunted out of the *Exchequer*; they will easily be found out, some of their abuses towards the King, and extortions towards the Subject appearing upon Record; and other of them having surreptitiously procured a kinde of new Authority to exact what Fees they please of Sheriffs and *Lords of Liberties* under colour of an Accompt to be made to the King for a supposed nothing.

And that there may be a table in the *Exchequer* wherein the ancient due Fees of all the Offices of the said Court may be regulated and moderated ac-

according to the quality and quantity of all manner of businesses, with some relation to what was taken in the time of the late *Queen Elizabeth*. & some penalty to be inflicted by a Bill to be passed in Parliament upon such as shall take or exact more then shall be therein set downe and allowed for time to come.

4. And as to the trouble and charge which Sheriffes undergoe for leavying of the Kings debts granted to patentees, and for collecting the Fines, Issues, Amerciaments, and other the Kings casuall Revenues granted in Farme, whereof the Farmers take the benefit, paying a certaine Rent to the Crowne: That either some course may be taken that the said Farmers and Patentees may make some fit allowance to the Sheriffes for their trouble and charge therein, or that his Majesty may take the benefit of the Revenues of that nature in kinde, as they shall arise and grow due as was formerly used before the granting of the same in Farme. It being observeable that both Iudges and Jurors have been discouraged to punish offenders when their Fines and Forfeitures come not to the King but
to

to private purses; and so Justice is many times left undone to the encouragement of offenders, or the mercy of the King (where mercy is to be shewed) put into a wrong hand.

5. And as to the injury and losse which *Sheriffes* have had by reason of sundry grantes made of the *hundreds*, *Wapentakes* and *Gaols* parcell of their *Bayliwicks*. This will also require a present reformation, and as it will bee very just to right the *Sheriffes* herein, so it will be of no great difficulty, if the Law may take place; for that there are severall Acts of Parliament in the time of King *Ed. 3.* that no *Hundreds*, *Wapentakes* or *Gaols* which were then parcell of their *Bailiwicks* should be at any time severed frō the same, but that all grants of that nature should be void. And there is no doubt but the *Sheriffes* might by force of the said Statutes have righted themselves herein before this time, but that they have so small a continuance in their Office.

Stat. an-
nis 2. &
14. E. 3.

But before I leave this point, I desire to be rightly understood, for that it is not intended by this resumption of *Hundreds* or *Wapentakes* that any *Hundreds*

compts, or in the execution of their *Offices*, I conceive it would be the best way that some Bill were drawne in Parliament for remedy thereof. And that in the same Bill the two ancient and excellent *Statutes* of the *Exchequer* formerly remembred, *viz.* that of 31.*H.*3. and that of 10.*E.* 1. concerning the manner of passing Accompts, and charging and discharging of the Kings Rents and Debts, in the *Annually* or *great Roll* of the *Exchequer*, and the like, may bee renewed and explained. And that according to the said *Statute* of 10. *E.* 1. all Rents & Debts whereof there is hope that something shall be answered for avoiding of all confusion and double charging thereof, bee onely charged in the said great Roll, whether the said Rents bee payable *ad Ret. Scaccar. tantum, seu ad Ret. Scaccar. seu ad man. Vic. seu ad man. Ballivorum vel Receptorum.* And that the *Sheriffes* may bee enjoined thereby to make ready and full payment yearly at the receipt of *Exchequer*, or otherwise as they shall be appointed by warrant of the *Lord Treasurer, Chancellor, and Barons* of the *Exchequer*, or any three of them

them (whereof the *Lord Treasurer* to be one) of all their Receipts of all such summes of money arising of the said Rents & Farms, being due at or before the Feast of *Easter*, yearly, at the Feast of *Pentecost* then next following at the furthest; and where they bee due at *Pentecost*, those Rents to be paid before the *Nativity of S. Iohn Baptist* at the furthest. And where they be due at or before the Feast of *Saint Michael* the Archangell, those to bee paid at the Feast of the *Nativity of our Lord God* then next following. And such Rents as shall be due at the Feast of *S. Martin*, in the Winter, yearly, those to bee paid at or before the first of *February* at the furthest: And for default of such payments (being thereof lawfully convicted before the *Treasurer* and *Barons* of the *Exchequer*) to forfeit to the Kings Majesty, his heires and successors (as in like cases hath been ordained) *two pence* in the pound, in the name of a paine for every day that the said money shall bee unpaid after the said severall Feasts, or dayes of payment, &c. And that such *Farmers*, *Lessees*, and *Tenants* as shall not either pay to the said *Sheriffes*, their

Sta. anno
7. E. 6.

Deputy or Deputies (lawfully requiring the same) all such *Rents & Farms* as shall be due and payable by them to the Kings Majesty, his heires, &c. at or before any of the said Feasts, as is aforesaid, yearly, or bring and pay the same wholly into the *Exchequer*, by the foresaid severall dayes and times after every of the said *Feasts* so formerly limited and appointed, at the furthest; and (being thereof lawfully convicted before the *Treasurer* and *Barons*) shall in like manner forfeit to the Kings Majesty, his heires, &c. for the non-payment thereof, (as in like cases hath been also ordained) *two pence* in the pound in the name of a payne for every day after the said severall dayes of payment, until they shall pay and satishe what was then due together with the said paines, &c.

Anno 33.
H. 8. cap.
39.

And that the *Clerke of the Pipe*, and *Controller of the Pipe* for the time being, together with such *Auditor* or *Auditors* for every *Shire*, *City* and *Towne Corporate*, and such other officers as the *Lord Treasurer*, *Chancellor*, *Vnder-Treasurer*, and *Barons*, or any three of them, (whereof the *Lord Treasurer* to bee one)

one) shall thinke fit to appoint, shall
 once every yeare about the Feast of S. Stat. anno
51.H.3.
Margaret (being in *Trinity Terme*)
 make a true and perfect declaration to
 their Lordships in writing under their
 hands, of all and every particular
 charge, times of payment and discharge
 in each *Sheriffes Accompt*, as afore-
 said: and of all and every other thing
 concerning the premises; and which of
 the said *Sheriffes, Farmers, or Lessees*, are
 behinde with their payments: so as
 present order may bee taken for bring-
 ing in the same, together with the fore-
 said paines which shall bee so due by
 them, and the said *Lord Treasurer, &c.* to
 assigne what summes of money due to
 any person or persons for *Annuities,*
Pensions, or Corodies, going out of any the
 premises, charged upon the *Accompts*
 of *Sheriffes*, shall bee paid by the said
Sheriffes, and which of them shall bee
 paid out of the Receipt of the *Exche-*
quer, as to their Lordships shall bee
 thought meet.

And if some such Bill as this may be
 passed, for securing the Kings Rents to
 bee yearly paid upon such paines as a-
 foresaid: And that the *Sheriffes* (pas-

sing their accompts in due time) may be eased and righted in the former particulars, and have three pence in the pound out of all such rents as they shall bring in, and twelve pence in the pound for debts, as they have formerly had, his Majestie will be duly answered his Revenewes with much more security, & at a far lesse charge then he now is: And the high *Sheriffes* Office, which for its great charge and trouble, hath been of late yeares so much avoided, will regaine its ancient credit, and encourage men of good ability and quality to take upon them the under *Sheriffes* place.

Exceptions to
the Pipe.

But here I am admonished to make answer to some objections against the credit of the said *great Roll*, which in all times (as hath been formerly observed) hath been of so great esteeme for the safe *conduct* of the Revenues of the Crowne, into the *Receipt* of the *Exchequer*: which exceptions are, That divers good *Farmes* and *Debts* there in charge, and (amongst many others) a great Fee Farme rent of 180 l. *per annum*. odde money for the Manor of *Cr. wly*, & *al. Com. Leic.* due for the
second

second yeare of his now Majesties reigne, together with divers other Rents and Debts, as well in the said *great Roll*, as in the *Recusants Roll* being taken in charge, by severall *Sheriffes* (amounting to a great value) have been by the *Clerke of the Pipe*, discharged, posted of *de anno in annum*, and prolonged without any just ground or other legall warrant at all, and that many other abuses against his Majes Subjects had bin committed in the said office, which in truth cannot be denied: For that they are extant upon Record in a Bill exhibited to his Majesty, against the said *Clerke of the Pipe* by the Kings late *Attorney Generall*. And though they were committed in secret, yet have they (by the help of that Roll so as is aforesaid by the wisdom of our Ancestors ordained for a cottolment) beene discovered and brought to light, and such use hath been already in part made of that discovery for his Majesties service, and more like to bee as may be very advantagious both for the King and Common-wealth, for preventing the like abuses for time to come

But what speake we of abuses?

Quæ Regia in terris? what Country, what government, what *Guild* never so wisely founded or strongly supported with wholesome Lawes is free from some stains and corruptions? *Quid non mortalia pectora?* What will not covetousnesse and ambition attempt where there is no Law to punish? And where the Lawes are not put in execution, it is all one as if there were no Law; as is exemplified by the *Frogs* insulting upon *Æsops* log. So as abuses being the faults of the persons (and not of the foundation) will grow like ill weeds in every Commonwealth and Government, unlesse they be looked unto and weeded out by putting the Lawes in execution against them: but *veritas odium parit*, men will bee wary how they pull an old house upon their owne heads, or provoke a nest of waspes lest they be stung themselves. And for that cause many men wanting that courage which is prescribed for *Magistrates* and *Officers* in the Commonwealth by God himselfe, will rather thinke it better for them to sleepe in a whole skinne (as they call it) and make *shipwrack* of their consciences

ences then to discharge the duty of their oathes : Howbeit for my owne part I was resolved in such a case rather to runne all the hazards of envy (which I expected and whereof I have had sufficient experience, and still expect more) then to bee wanting in the discharge of such a duty to the King and Kingdoms which in conscience I am bound unto, and thereby also make my selfe equally liable to the same punishment with the offender, which by the foresaid Statute of the *Exchequer* is to be inflicted upon the Supervisors for their *consent*.

Stat. ann.
51. H. 3.

Now if after all this, (notwithstanding the former reasons and the constant practise of former times) it shall at this day be thought any waies tolerable or fit on the behalfe of the King and Common-wealth, that the Revenues of the Kings lands now in charge before his Majesties *Auditors* amounting in the whole to one hundred thousand pounds per annum, or thereabouts, and consisting at this present (for the most part of *Fee Farmes* and certaine *Rents*) should still bee continued in the new way out of the old Channell, and be

Considerations for

be brought in by *Receivers* and *Bayliffs* as they now are at so great a charge and hazard by keeping so many hands in the Kings purse, I conceive the Sheriffs nor any other officer (that hath not some aime at his owne private benefit more then his *Majesties* service) will desire, the alteration thereof for any ends of his own or any ill will to those officers, but freely to leave it to the wisdom of the King and his great Councell: who have declared their purpose for establishing and ordering the *Kings Revenue*, and for redressing the *abuses of Officers*, and cutting off all *superfluity of expences* concerning the same.

But if the said *superfluous officers* shall be dispenced withall to continue, then that it may be with the cautions formerly mentioned, *viz.*

That the *Receivers* may bee yearly sworne to their *Accompts* in the *Exchequer* according to the ancient usage and ordinance in *An. 1 Maria Regine.*

That their *accompts* (after they are declared and entred with both the *Remembrancers*) be by the twentieth of *March* yearly delivered into the *Pipe* for further *proces* to be made thereupon
for

for the *supers* and *debts* therein depending according to the said *Ordinance*.

Hil. Rec.
ex parte
Rem.
Thes. an.
i Mariz
Art. 9.

And no messengers to be hereafter employed about the same for the reasons formerly alledged.

As also that no proces bee made by the *Treasurers Remembrancer* for any *Debts* or *Arterages* supposed to be depending in any of the said *Accompts* by any *Constats* or *Certificates* from the *Auditors*, but from the *Accompts* themselves, so as they may bee under the same controlment as before, &c.

And lastly, that all the said *Receivers Tallies* be joyned and allowed upon Record as all other *Tallies* are or ought to be.

It now remaines that I should briefly set downe the principall causes which have hindred and retarded the due answering of the Kings Revenues and Debts: occasioned the trouble and grievance of his Majesties Subjects, & made the bulk of the said Revenues & debts now in arreare to be so great.

And first, as I formerly observed, one cause is, for want of putting the said *Statute of the Exchequer, An. 51. H. 3.* in due execution by injoyning the Sheriffes

Sheriffes at their *Easter* and *Michaelmas* proffers to bring in and pay so much of the Rents and Debts sent forth unto them in the *Summons* of the *Pipe*, as they then had or might have leavied : for the better effecting whereof, the Lord *Treasurer* and *Barons* were anciently present at the said *Proffers*, and is now personated by the *Puny* or *Carfi-
tor Baron* onely without any other of the great Officers or Barons to give countenance and assistance to that service : And for that there hath not been a view made yearly to the *Treasurer* & *Barons* by the Officers of the *Exchequer*, of what was answered by *Sheriffes*, *Farmers* and *Accomptants*, and what was in *Arreare* and by whom, according to the foresaid *Statute* of the *Exchequer*.

A second cause is, in that *Sheriffes* have not (according to the ancient course of the *Exchequer*) been strictly holden to their *Apposalls* at their dayes of prefixion ; and for that many of them have beene suffered with so much impunity to depart the Court in contempt of the said Court before they perfect their *Accompts*. The *Treasurer*
and

and *Barons*, being by the said Statute of 51. H. 3. to be charged by oath not to attend to heare the *Pleas* of other men whilest they have to doe with the Kings owne debts.

A third cause is, in that the goods & lands of such Sheriffs which are in the case of contempt, as aforesaid, & neglect the passing of their accompts in due time, have not been according to the said ancient course, seized into the Kings hands, *Novine districtionis*, And for that they or their under Sheriffes have not been taken into the custody of the *Marshall*, before they depart the Towne, or committed to the *Fleet*, (as heretofore in some cases of neglect and contempt, hath been used) untill they passe their accompts, and answer the moneyes due thereupon: As also for that in such cases of contempt, when a *Serjeant at Armes* is sent for the high Sheriffe, hee continueth them his clients from Terme to Terme, and doth not bring up their bodies to bee committed to Ward, till they passe their accompts, as hee ought to doe.

A fourth cause is, In that the Sheriffe (contrary to the foresaid Statute of *Rusland*)

Rutland) have been compelled to take into their charge divers dead *Farmes*, *Seizures* and *desperate Debts* (being altogether illeivable, or for which there is some just matter of discharge) for which they are nevertheless driven to procure discharges *de anno in annum*, upon their accompts, to their great damage and trouble, and their great hindrance to passe their accompts in due time. As also for that to the like trouble and damage of Sheriffes, the *Farmes* and *Rents* granted in Joynture to the *Queenes Majesty*; and other like *Farmes* granted for tearme of life, or years, *absq; compute*, have not bin removed out of the said *annual Roll* into a *Roll of Reversions*, or *Exannuall Roll*, till they fall againe to the Crowne; by which meanes the subject also is dubly vexed, both by the *Queenes* and the *Kings Officers*, for one and the same thing.

A fifth cause is, In that all *Debts* and *Farmes* in the *Pipe*, which are not answered after one *Summons*, have not (according to the said ancient course) been duly put into *Secdula Pipe*, for stronger proces to bee thereupon made by the *Treasurers Remembrancer* for getting

ting in the same: but some of them continued to be stil written in the *Summons* of the *Pipe*, to the great trouble of the Sheriffes, and little or no fruit at all to the King.

A sixth cause is, in that divers good Rents and Debts have for some private ends been suffered to bee posted off, *de anno in annum*, and discharged without any good matter of *Record*, or other legall warrant, by means wherof the said rents and debts, either grow desperate, or be made *sic* subjects for suiters to beg from the King. And for that many Sheriffes have been cast out of Court, and suffered to depart before they pay in their *debts* in the *great Roll* and *Recusants Roll*; As also for that the *Originals* of the *Chancery*, have not been yearly sent into the *Exchequer*, so timely as they ought, nor the Roll of the Inrolments of Leases which passe under the *Exchequer Seal*, made up and Ingrossed by the *Clarke of the Pipe*, in due time as it ought to be, for charging all new Rents and Fines, in the said *Annual Roll*, reserved upon any new grant or demise from the Crowne.

A seventh cause is, In that where the Sheriffes

the Sheriffes doe not good execution upon the *Writs* sent forth by the *Remembrancers* upon *Sedula Pipe*, and otherwise (as they ought) the *amercia-ments* for their neglects and contempts therein, have not been presently drawn downe into the *Pipe*, and sent in pro-
cess for leavying thereof in *Terrorem* of all other Sheriffes, but suffered to sleep sometimes for many yeares, or to bee taken off or compounded for some small matter to the King.

An eight cause is, In that *Commissions* have not been awarded out of the *Exchequer*, according to the foresaid Statutes of *Westm. 1. Anno 3. E. 1. Cap. 19. & 6. H. 4. Cap. 3.* for inquiry to be made into the *Accompts* and *Receipts* of *Sheriffes* and other *Accomptants*, to the end the King may bee recompenced, and the subject relieved, in all such cases where it shall bee found, that the said Sheriffes have defrauded the King, or abused the Subject.

A ninth cause is : In that the *Audi-tors* of the Revenue have not (as hath beene formerly observed) according to the ancient course of the *Exchequer*, and the said Ordinance of *Anno 1. Ma-ria*

ria *Articulo 9.*) delivered ingrossed in parchment the Accompts of the generall Receivors and Bayliffes of the said Revenues into the Pipe every yeare yearly by the 21. of *March*, so as *Proces* might in due time be made from the said *Accompts* to the *Sheriffes* for all debts & *supers* therein depending against the next *liberate* or *sealing* day of the *Exche.* but have for some private respects heretofore, and stil kept the said accompts in their owne hands (some whereof are said not to be ingrossed for many years together) by which means many great *Arrearages* of *Rents* & *Supers* have heretofore lleyt in the same accompts for 16, 20, 30, years, &c. before they were written forth in *Proces*, which hath not onely occasioned great losse to the Crowne, but many grievances to the Kings Subjects by seising the lands which they purchased for valuable cōsideratiō of the said debtors, for which if proces had been made in due time, they might have bin paid by the debtor himself, & a great part of the said arrearages recovered, which by reason of long forbearance becomes desperate, as in the foregoing discourse hath been observ'd.

In like manner it may be here remembered, that by the like omission of *Stewards* of the Kings Manors to send up the double of their *Court Rolls* to the *Exchequer* to be kept in the *Treasury* there, as well for the King and Subjects evidence as that it may appeare what each *Bayliffe* is to bee charged withall every yeare for fines upon *Coppy-holders*, and other profits of *Courts*, according to the said Ordinance of *Anno primo Maria*; many great losses to the crown, & inconveniences to the subject, have been occasioned, there being but few such *Court Rolls* or any entries thereof to be found which are now extant, either in the times of the late *Queen Elizabeth*, or the late King *James*. And that there hath beene the like neglect of sending up *Rentalls* of the Kings Manors, which once every seven yeare are to be renewed by the Steward upon presentment of the *Homage* and to be returned up and sent in to the said *Treasury*.

A tenth cause is: In that the *Estreats* of the *Fines*, *Issues*, *Amerciaments*, and other *Forfeitures*, set, lost and forfeited before the *Iustices* of the
King

Kings Bench, and Common Pleas, Justices of Assize and Gaole Delivery, and Justices of Peace, &c. commonly called *Green-wax*, have not been certified into the *Exchequer* in such sort as by the Lawes and Statutes of this Realme they ought to be; but have been *obstru-cted, diverted or suppressed*, contrary to the said Lawes, to the encouragement of offenders, and the great prejudice of the Crowne, whereof divers instances in that kinde were lately made before the Lords Commissioners for the *Treasury*, whereby it appeared, that sundry recognizances and fines forfeited and imposed at the Assizes and Sessions in the Countrey, in cases of great and *Crimsinall* offences and misdemeanors, had been some yeares since removed by *Circiorari* into the *Crowne office*, and both these and many others of the like nature kept backe and stopped there and in other places, which were never certified into the *Exchequer* as they ought to bee, which every way turnes to his Majesties great prejudice, and losse: whether they be pardoned or suppressed: For that if the King pardon or give them away, the *Farmers* of the

Green-wax will looke for a *Defalcation* out of their Rent, of so much as they amount unto, by reason of a covenant from his Majesty, that hee will neither pardon nor give any of them away during their terme, unlesse it be by a generall *Pardon* in Parliament. In which case it had been much better for the King, they had beene altogether suppressed and lost, then to be pardoned or given away, but by a generall pardon in *Parliament*. In consideration whereof, & of the inconveniences formerly mentioned, by letting the *Green-wax* to farme, and that the *Fines* in the *Kings Bench* are like to be increased by putting downe of the *Star-chamber-Court*, some composition may be made with the Farmers (as the case shall require) and present order taken as well for resuming the said Farmes of the *Green-waxe* into his Majesties hands; as for the reforming of such abuses as tend to the suppressing or diverting any of the said *Greenwax* as aforesaid.

But then in case of such resumption I cannot (in my duty) but make some Remembrance of the complaints of the great abuses and disorders which were

com-

committed in the managing of the said Revenue when it was in the Kings hands, by the practice of some inferiour Clerks and Bailiffes, &c. As namely,

That where divers issues were estreated against Sheriffes out of severall Courts, *Quia non habuit corpus*, and against Noblemen and others, for not appearing at the suits of divers persons, either for payment of money owing by Bond, or upon actions of account *detin.* or the like. (In which cases the Plaintiffs could have no proceedings at Law for recovering of their rights, or what was due unto them, without an appearance: and the estreating of the said *Issues* to be levied for the Kings use, being the *Coertion* appointed by the Law to procure such *Appearances*,) the said *Issues* were nevertheless by the undue practices aforesaid, upon some ordinary suggestions, procured to be discharged or resited till a generall *Pardon*, or compounded for some small matter; which in no sort ought to have been done by the Lawes of the Kingdome, before certificate had been made, that appearance was given to the Plaintiffs

action, or the debt satisfied, &c. to the utter subversion of justice.

And the like abuses were committed in procuring discharges for *Recognizances* of such parties as had been bound over with Sureties to the *Affizes* or *Sessions* for keeping a bastard childe, or for performing some other publicke service in the Countrey, or upon suspicion of Felony, &c. and the like, without procuring any certificate from the Justices, or Countrey, that the Parish was discharged, the service performed, or what the cause was for which every such *Recognizance* became forfeited; insomuch as the poorer sort, that could use no meanes for their discharge, were (for the most part) left to bee written for; who if they had but a Cow, or any poore Utensills, were driven from time to time, to make their peace with the *Sheriffes Bailiffe* in the Countrey, with some of their poore estate which the said Bailiffes tooke (as it were) *nomine districtionis*, to their own use, without answering any part thereof to the King; the greater impoverishing, and for times undoing of the said poorer sort

sort of the Kings subjects.

In consideration whereof, and for the better preventing of the like abuses for time to come, it was in the time of the late King *James*, thought fit by the *Treasurer, Chancellor, Under-Treasurer, and Barons* of the *Exchequer*, that there should bee for ever an Officer in the *Exchequer* called, *the Surveyor of the Green-wax*, formerly mentioned, who should take speciall care to see the said Revenue better managed, and from time to time to attend the *Court*, and acquaint the *Barons* therewith, as the case should require.

All mens
care, no
mans
care.

And this was upon the matter agreeable with an ancient Statute made in *Anno 27. E. 1.* By which it was provided, that at one time certaine every yeare, one *Baron* and one *Clerke* of the *Exchequer*, should goe through every Shire of *England*, to examine and view the Acquittances of *Sheriffes* and their *Bailiffes*, touching *Green-wax*, and to introll them: and also to heare and determine complaints made against *Sheriffes*, and their *Clerks* and *Bailiffs*, that had been done concerning the premises, and the offenders to be grievously

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punished. It being conceived, that the discontinuance of that good ordinance had occasioned the many abuses and grievances aforelaid.

In the last place, the remedy for preventing the like abuses and misdemeanors in generall, (both towards the King and his Subjects) for time to come, is, That speciall care bee taken to see that the ancient course of the *Exchequer*, and the Lawes of the Kingdome formerly mentioned for the better and more timely and husbandly answering, and the more due and legall charging and discharging of the Kings Revenues, bee strictly observed and kept, and to see, that due punishment be inflicted upon the violators thereof accordingly. As also to see, that all those fore-going causes which hinder the Kings service therein, and the quiet of his Maties subjects be removed: And especially that the *Sheriffe* in his yeare, according to his *Proces* sent unto him out of the *Exchequer* in the Lent Vacation and Summer Vacation (without any respect of persons) doe his uttermost to levie all such debts and summes of money as shall be so writtent to him as afore-

aforeſaid. And yet where I ſay, without reſpect of perſons, I deſire to bee rightly underſtood, that the perſons of all the *English Nobility* and their *Dona-
gers, Barons* and *Baronneſſes* are exempted from all arreſts for the Kings debts, as by the Prerogative Writ before mentioned, may appeare: And ſo are the perſons of all and every the Knights and Burgeſſes of the Commons Houſe of Parliament, ſo long as the Parliament continues. Nevertheleſſe (in my beſt underſtanding and obſervation) I doe not finde but the Rents and Debts due to the King, have in time of Parliament been levied by Sheriſſes, upon the iſſues and profits of their lands and goods.

Moreover, forasmuch as the Kings Maſteſty, his Heires and Succeſſors, may be much hindred by the negligencé and connivence of the *Officers* of the *Exchequer*, by reaſon of a late *Statute*, made in the one & twentieth year of the reign of the late *King James*, whereby it is provided, that all and every *Sheriſſe* and *Sheriſſes* within the Realme of *England*, and Dominion of *Wales*, their Heires, *Executors* and *Adminiſtrators*

strators, and their Lands, Goods and Chattels, shall bee absolutely discharged of all and all manner summe and summes of money which hee or they shall leavie or receive, unlesse such Sheriffe or Sheriffes shall bee called in question for such summe or summes of money pretended to bee leavied and received by them, or any of them, and not accompted for within foure yeares next after they have finished, or shall finish their accompts, and had their *Quietus est.*

That for preventing thereof, some Act may bee passed in Parliament, that where any Sheriffe or Sheriffes which since the making of the said Act, or at any time hereafter, have or shall procure and obtaine any such *Quietus est*, by meanes whereof they or any of them are, or hereafter shall bee (by force of the said Act) discharged or acquitted against the King, his Heires or Successors, of, or for any summe or summes of money by them leavied and not answered upon their said accompts, or of, or for any untrue or double allowance upon their said ac-

accounts, that in all such cases the Officer or Officers who have or shall make any such *Quietus est*, and have not, nor shall not, within the time by the said Statute limited, by some proces, or other proceedings in the *Exchequer*, called, or call the same in question against the said Sherifes, their Heires, Executors, or their Lands, Goods or Chattels, for preventing the losse and prejudice which otherwise may happen to the Crowne thereby, and every Officer by whose default any such summe or summes of money, by force of the said Statute, shall bee lost to the King, his Heires or Successors (being thereof lawfully convicted) shall pay and forfeit to the use of his Majesty, his Heires and Successors, all such summe and summes of money as the said King, his Heires or Successors, shall, or may lose thereby, to be recovered against the said officers their Heires, Executors, Administrators, their Lands, Goods and Chattels, in such manner and sort as the same might have been recovered by the Lawes and Statutes of this Realme,

Realme, against the said Sheriffes, if the said Act had not beene made. And that in all such cases, where by the Lawes of this Kingdome, and the course of the *Exchequer*, any Officer or Officers of the said Court, are to deliver any *Accompt* or *Accompts*, into any *Office* or *Offices* of the said Court, by and at some certaine time; so as proces may bee made upon such *Supers* and *Debts*, as are or shall bee depending in the same accompts, upon any person or persons: So as for default of their delivering in of any the said accompts in due time, any the said *Supers* or *Debts*, shall be afterwards required and recovered against the purchasers of the Lands of any such Debtor or Debtors, by whom the said *Supers* or *Debts* were so due, or against their Sureties, which might have been recovered against the said Debtors themselves, if the same accompts had been delivered in due time: that such Officer or Officers so making default, in delivering of the said accompts in due time, shall and may for their neglect therein (being thereof lawfully convicted)

convicted) be subject to discharge the purchasers of the said Debtors lands, and their suerties against the King, his Heires and Successors, and to satisfie and pay what the said principall Debtors should have satisfied and paid, in case the said Accompts had bene delivered in due time.

And for that it is found by experience that the *Vnder-Sheriffe* that takes upon him the execution of the whole Office, both in attending at the *Affixes & Sessions*, and upon other *Courts of Justice*, returning of *Juries* and other service of the *Country* betweene party and party, cannot (in any such due time as he ought) looke into and attend the levying of the Kings Rents and other the Debts and Duties sent forth in proces to *Sheriffes* by severall *Writts* of *Distringas*, *Fieri facias*, *Capias* and *Exigent* out of the two *Remembrancers Offices*, and by the *Summons* of the *Pipe and Greenmax*: some such like Act may bee passed in *Parliament* for the better expediting of the Kings service, that it may be lawfull to and for such person or persons of ability and sufficiency as
shal

shall be hereafter appointed by the *Sheriffe* of every County (for whom he will answer) to be his Deputy or Clerke for the leavying of the Kings Rents, and other his Debts and Duties as shall be so sent out by the said Summons, and for executing all such Writs out of both the Offices of the said *Remembrancers* as aforesaid, (and for no other business) may continue in the said Office yeare after yeare, so long as hee shall be approved of, and allowed by the said *Sheriffes* as aforesaid, without incurring any of the penalties and forfeitures provided by the Lawes against such *Vnder-Sheriff* or *Sheriffes Clerk* as shall remaine in his Office above one yeare: And that notwithstanding any former Act, Statute or Ordinance to the contrary heretofore made: Nevertheless that such *Vnder-Sheriff*, *Deputy-Sheriffe*, or *Sheriffs Clerk* shall not thereby be exempted from taking any such oaths, nor from any other penalties which by the Lawes and Statutes of this Realme are to be taken or undergone by them.

And in regard all the *Sheriffes* of
this

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this Kingdome doe finde themselves much grieved and damaised by reason of the foresaid Statute made in the seven and twentieth year of the reigne of K.*Ed.* 1. by force whereof they are to answer for al such issues by them returned against any person or persons their *mainpernors* or *pledges* which shall be Nichelled or prove to be illeviable, especially in the case of Writs of *Distring.* sent out of the *Excheq.* for the homages & other services of the Kings Tenants: that some consideration may be taken of the said ancient Statute in case of the said *Sheriffs* so farre forth as may stand with Justice, and the preservation of his Majesties said Rights and Services. And that in further case of *Sheriffs*, there may be a review of the decree lately procured by the parcell makers for *Sheriffs* and Lords of Liberties to accompt before them for Felons Goods and other *Escheats*, &c. the same being found very grievous and burthen some to the said *Sheriffes*, and other his Majesties Subjects, without any profit to the King.

And in regard diverse ancient
Farmes

Farmes and Rents now in charge in the Pipe, and before his Majesties Auditors for the revenue, and in the Court of the *Dutchy of Lancaster*, which by reason of sundry alienations of the lands and hereditaments out of which the same are issuing, and for divers other causes, are now at this day very hard and difficult to be levied, by reason whereof many of them are like to bee utterly lost, unlesse they may (by some good and lawfull wayes and meanes) be revived, and more of them like to be lost hereafter: That for remedy herein, a perfect survey may bee made of all his Majesties Honors, Mannors, Lands, Tenements, Rents and Hereditaments in every Shire & Hundred, and what particular Rents and services either by way of *Fee, Farme*, or otherwise in perpetuity, or for *terme of life or years* are answered for the same: And that inquisition be made for and concerning all the dispersed Rents which are within the collection of the *Bayliffes* or *Collectors* thereof, and of all other Rents within the collection of *Sheriffes*, or *Receivors* generall; and
of

of what lands or other hereditaments the same are particularly issuing, and where the said lands and hereditaments doe lye, and in whose possession they now are, and when and how to be paid. And that all good and lawfull wayes and meanes may be used, as well by the view of ancient Records & Inquisitions (where any such are to be found) as otherwise, for reviving of all decayed Rents belonging to the Crowne: And after the making of such surveies, that some fit course may be devised for the better securing of all the said petty and dispersed Rents (in the charge of the said *Bailiffes* and *Collectors* of the same) from further decay: and for easing the King from the great charge and hazard he now undergoes in the collecting thereof.

Item, that the state of the Kings Castles and Houses may be surveyed, & all decayed Castles and Houses not useful for further service (if it shall be so thought fit) converted to the best profit, and the Fees for the keeping thereof discharged. And whether the like survey may not be made of all the *Forrests*, *Parkes*, *Chaces* and *Warrens*, not as yet disforested

rested or disparked, (except such as his Majesty shall reserve for his royall disport) and the waste number of them to be converted to the best profit by the yeare, and to be letten as other lands are, and with like condition, saving to every man a recompence for such interest as he hath.

And that the Farmes of the *Vlnages* and *Gaugers* be surveied, that it may be knowne what Rent is fit to be set upon them when the terme expireth.

Many other parcells there are of the ancient Revenues (being flowers of the Crowne) as the *Goods* and *Chattels*, of *Felones*, *Fugitives*, and *Outlawed* persons; the *petty Fines* and *Amerciaments* anciently set and affected in the higher Courts upon the *Plantiffes* and *Defendants*, *pro falso clamore, quia non est prosecut.* &c. and the like, whereof little or no profit hath of late beene made to the Crowne, according to the fundamentall Lawes of the Kingdome; by reason whereof divers persons (finding they may doe it with such impunity) have beene encouraged to violate the Lawes, and to set on foot and maintaine sundry unjust and vexatious suits,
&c.

&c. For remedy whereof, this may also be taken into consideration, and some life given to those Lawes in a moderate way, so farre forth as may stand with his Majesties ancient Rights, the Justice of the Kingdome, and the discouragement of such offenders for time to come.

And whereas there remains at this day a great bulke of Arterages and Debts as well in the *Exchequer* as in the Court of *Wards* and *Liveries*, and in the Court of the *Dutchy of Lancaster*, a great part whereof is conceived to be good, (as having beene suffered to sleep through the connivence or negligence of some of the Kings Officers) other part thereof is supposed to be dischargeable by *Tallies*, *Acquittances*, and some other good matter, but for want of the said *Tallies*, &c. the Officers cannot discharge the same upon Record: and for the residue (being the greatest part of the said bulke) it is conceived they are illeivable, and in a manner desperate. Therefore that severall Commissions may bee awarded to faithfull and circumspect men in every County for making inquiry into

the same, according to the ancient course formerly prescribed, and those that shall be found good to be speedily brought in and satisfied, and such as have *Tallies* or other legall discharges for any part thereof to bring them in for acquitting the same upon Record in such manner as by the foresaid Statute is provided; and for such part thereof as by the *Acquittance* or *Acquittances* of any *Sheriffe, Bailiffe, Receiver, or other Collector*, or by other good prooffe shall be found to have beene received to the Kings use by any of them and concealed upon their *Accompts*, the delinquents to be proceeded against, according to the foresaid Statute of *Westmonast.* the first *anno 3. E. 1. cap. 19. & anno 6. H. 4. cap. 3.* for terrifying of others from doing the like. And for the residue that shall be found desperate, the same to be put into some *Exannuall Roll* according to the foresaid Statute of *Rutland*, and to runne no more in demand, unlesse it shall appeare that some estate hath accrewed to any of the said Debtors. And if the security given by Sheriffes at this day by their recognizances in the Kings Remembrancers Office,

Office, with faculties, bee not sufficient; they may be ordered to give better security, as their receipts shall grow greater.

To conclude, I have in these short advertisements (though with much weaknesse) faithfully delivered the summe and substance of what I have gathered and observed from the practice and experience of former times, to bee at this present taken into consideration, for the increase and better ordering and answering of the Kings Revenues, and the ease of his Majesties Subjects, which may bee of some use for steering a course in the answering and managing of all the Revenues of the Crowne of what nature soever: As also for the cutting off all superfluity of expences, unnecessary Pensions, Annuities, &c. and for preventing the like abuses of Officers, for time to come; It having been alwayes held for a *Maxime*, that be the Kings Revenues never so great (as great they had need to bee by reason of his great occasions) yet unlesse care bee taken that his expences bee suited and ballan-

ced to those Revenues, & that his *Treasure* bee not purloyned, nor put into broken *Cisternes*, whereby it may leake out, or run waste; his Majesty must still be in want.

That this will bee displeasing to some, that make their gaines out of the losse and wrongs of the King and his people, I cannot be ignorant; howsoever I presume this poore advertisement may (in some measure) be acceptable to all that wish well to their King and Countrey, which is the onely motive of my taking this taske upon me.

FINIS.



The Errata.

P *Age 5. line. 6. read Estreated. page 8.
line 1. Baronibus. p. 12. l. 12. the four
first dayes. p. 12. l. ult. summes. p. 16. l. ult.
in contempt depart the Court. p. 17. l. 24.
carry by their claimes. p. 19. l. 12. cases. p.
23. l. 4. rules. ib. l. 9. or, to be left out. p. 61.
l. 23. in his now Majesties time, to be quite
left out. p. 96. l. 23. Sheriffes and other Ac-
comptants. p. 100. l. 14. the Greenmax.*

